

SCHEDULE 10

Amendment of the REACH (Enforcement) Regulations 2008

PART 1

Enforcement of requirements under transitional provisions relating to EU exit

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1.—(1) In regulation 2(1)—

(a) in the definition of “a listed REACH provision”, for “the REACH table” substitute “a REACH table”;

(b) for the definition of “the REACH table” substitute—

““a REACH table” means—

(a) the table in Schedule 1 to these Regulations, or

(b) the table in Schedule 1A to these Regulations;

“the relevant REACH table” means—

(a) in relation to a listed REACH provision, the REACH table in which that REACH provision is listed;

(b) in relation to an enforcement duty, the REACH table under which that enforcement duty arises.”

(2) In regulation 3, for “REACH table”, in each place it occurs, substitute “relevant REACH table”.

(3) In regulation 3A(1), for “in any column” to the end substitute “against any listed REACH provision in any column of the relevant REACH table”.

(4) In the title of Schedule 1, after “of” insert “General”.

(5) After Schedule 1 insert—

“SCHEDULE 1A

Regulation 2(1)

Table of REACH transitional provisions relating to EU exit

Provision of REACH	Subject matter	Enforcing authority			
		England and Wales	Scotland	Northern Ireland	Offshore installations
Article 127B(4) and (6).	Requirement to supply information to the Agency where existing EU registration becomes UK registration.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 ISBN 978-0-11-118035-8

Provision of REACH	Subject matter	Enforcing authority			
		England and Wales	Scotland	Northern Ireland	Offshore installations
Article 127C(3).	Requirement to supply information to the Agency about existing ECHA decisions.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.
Article 127E(6), (7) and (8).	Requirement to supply information to the Agency where importer continues to be regarded as downstream user.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.
Article 127F(1).	Requirement to supply technical information to the Agency where existing EU authorisation becomes UK authorisation.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.
Article 127H(4).	Requirement to supply information to the Agency where authorised downstream user continues to be regarded as such.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.
Article 127J(2).	Requirement to supply information where a notification was given under Article 7(2) of EU REACH.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.

Provision of REACH	Subject matter	Enforcing authority			
		England and Wales	Scotland	Northern Ireland	Offshore installations
Article 127K(4).	Requirement to notify Agency and supply information to it where exemption under Article 9 of EU REACH continues to have effect.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.
Article 127L(3) and (5).	Requirement to supply information to the Agency where registration under Article 17 of EU REACH continues to have effect.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.
Article 127M(3) and (5).	Requirement to supply information to the Agency where registration under Article 18 of EU REACH continues to have effect.	The Health and Safety Executive.	The Health and Safety Executive.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive. The Health and Safety Executive for Northern Ireland.”