

SCHEDULE 10

Regulation 12

Amendment of the REACH (Enforcement) Regulations 2008

PART 1

Enforcement of requirements under transitional provisions relating to EU exit

Enforcement of requirements under transitional provisions relating to EU exit

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. This draft has since been made as a UK Statutory Instrument: The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 No. 758

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.”

PART 2

Other amendments

2. In regulation 2(2), omit the definition of “competent authority”.
- 3.—(1) Regulation 4 is amended as follows.
 - (2) In paragraph (1)—
 - (a) before subparagraph (a) insert—
 - “(za) the Agency;
 - (zb) the appropriate authorities; and”;
 - (b) omit subparagraphs (b) to (d);
 - (c) in the words after subparagraph (d), omit “in the European Union”.
 - (3) In paragraph (2)(b), omit “in the European Union”.
4. In regulation 7(1), omit subparagraph (b) (and the “or” preceding it).

5. Omit regulation 24(2).

6.—(1) Schedule 1 (Table of REACH provisions) is amended as follows.

(2) In the second column, for “European Chemicals Agency”, in each place it occurs, substitute “Agency”.

(3) In the entry relating to Article 8(2) of REACH, in the second column, for “community” substitute “UK”.

(4) In the entry relating to Article 26(1) of REACH, in the second column, omit the words from “of a non-phase in” to “pre-registered.”.

(5) Omit the entry relating to Article 30(6).

(6) In the entry relating to Article 31(2) to (9), in the second column, for “the language of the Member State concerned” substitute “English”.

(7) Omit the entry relating to Article 31(10).

(8) In the entry relating to Article 32(2) and (3), in the second column, omit “after 1st June 2007”.

(9) In the entry relating to Article 36(1), in the second column, for “a competent” substitute “an appropriate”.

(10) In the entry relating to Article 37(3), omit the row (comprising the second to sixth columns) that relates to requirements providing when a manufacturer, importer or downstream user must comply with Article 14 for a phase-in substance.

(11) In the entries relating to Articles 46(2) and 49(a), in the second column, for “competent authority” substitute “Agency”.

7. In Schedule 4, in paragraph 7—

(a) before subparagraph (a) insert—

“(za) the Agency;

(zb) the appropriate authorities;”;

(b) omit subparagraphs (b) to (d).