
STATUTORY INSTRUMENTS

2020 No. 1577

The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020

PART 4

Amendment of the REACH Enforcement Regulations 2008

Amendment of the REACH Enforcement Regulations 2008 in Northern Ireland

14. The REACH Enforcement Regulations 2008⁽¹⁾ are amended in accordance with this Part.

The regulations

15.—(1) After regulation 1 insert—

“Application

1A. These Regulations apply to Northern Ireland, including offshore installations in relevant waters within the seaward limits of the territorial sea adjacent to Northern Ireland.”

(2) 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 “REACH” substitute—

““REACH” means—

(a) in respect of the listed REACH provisions in Schedule 1, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals⁽²⁾ as it has effect in EU law as amended from time to time (“EU REACH”),

(b) in respect of the listed REACH provisions in Schedule 1A, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals as it forms part of retained EU law as amended from time to time (“retained REACH”)”;

(c) 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—

(1) S.I. 2008/2852 as amended by S.I. 2009/716, 2010/1513, 2011/3058, 2012/632, S.S.I. 2013/119, S.I. 2013/755, 1948, 2919, 2014/469, 1638, 2882, 3248, 2015/21, 51, 1682, 2017/1075, 2018/390.

(2) OJ No L 396, 30.12.2006, p. 1, as last amended by Regulation (EU) 2020/507 (OJ No. L110, 8.4.2000, p. 1).

- (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.”.
- (3) In regulation 2(2)—
 - (a) in the definition of “competent authority”, in paragraph (d)—
 - (i) for “Department of Enterprise, Trade and Investment” substitute “Department for the Economy”;
 - (ii) for “Department of the Environment” substitute “Department of Agriculture, Environment and Rural Affairs”;
 - (b) after the definition of “devolved administration or the Assembly”, insert—

““district council” has the meaning given by section 44 of the Interpretation Act (Northern Ireland) 1954(3);”;
 - (c) in the definition of “enforcing authority”—
 - (i) in paragraph (a), for “Department of the Environment” substitute “Department of Agriculture, Environment and Rural Affairs”;
 - (ii) after paragraph (i), insert—
 - “(j) a district council;”;
 - (d) after the definition of “relevant waters”, insert—

““retained REACH Agency” means the Agency as defined in Article 2A of retained REACH;”.
- (4) In regulation 2(3), for “REACH” substitute “EU REACH” on both occasions.
- (5) In regulation 3—
 - (a) for “REACH table”, in each place it occurs, substitute “relevant REACH table”;
 - (b) in paragraph (5)—
 - (i) omit subparagraph (a);
 - (ii) in subparagraph (b), for “in relevant waters” substitute “within the seaward limits of the territorial sea”;
 - (iii) omit subparagraph (c)
- (6) Omit regulation 3A.
- (7) In regulation 4—
 - (a) in paragraph (1)(c), for “another member State” substitute “a member State”;
 - (b) in the words after paragraph (1)(d), for “REACH in the European Union” substitute “EU REACH in Northern Ireland or the European Union”;
 - (c) after paragraph (1), insert—

“(1A) An enforcing authority must co-operate with—

 - (a) the retained REACH Agency;
 - (b) the appropriate authorities; and
 - (c) other enforcing authorities,

(3) 1954 c. 33 (N.I.). The definition of “district council” was inserted by the [Local Government Act \(Northern Ireland\) 1972](#) (c. 9 (N.I.)).

where this will facilitate compliance with, or the effective enforcement of, retained REACH.”;

- (d) in paragraph (2)—
- (i) in the words before subparagraph (a), for “paragraph (1)” substitute “paragraph (1) or (1A)”;
 - (ii) in subparagraph (b), after “REACH in” insert “Northern Ireland or”.
- (8) In regulation 7—
- (a) in paragraph (1), after “listed REACH provision” insert “in Schedule 1”.
 - (b) in paragraph (1)(b), for “another” substitute “a”;
 - (c) after paragraph (1), insert—

“(1A) A person is exempt from compliance with a listed REACH provision in Schedule 1A if that person has the benefit of a defence exemption certificate made by the Secretary of State in respect of that provision.”.
- (9) Omit regulation 24.

The Schedules

- 16.**—(1) In the title of Schedule 1, after “Table of” insert “EU”.
- (2) In the table in Schedule 1—
- (a) omit the third and fourth columns;
 - (b) in the fifth column—
 - (i) for “Department of the Environment” substitute “Department of Agriculture, Environment and Rural Affairs” wherever it occurs;
 - (ii) for “Local (health and safety) authorities” substitute “District councils” wherever it occurs;
 - (iii) omit “Local (consumer safety) authorities.” wherever it occurs;
 - (iv) in the entry for Article 33(2), after “Northern Ireland.” insert “District councils.”.
 - (c) in the sixth column, omit “The Health and Safety Executive.” wherever it occurs.
- (3) After Schedule 1 insert—

“SCHEDULE 1A

Regulation 2(1)

Table of retained REACH provisions

<i>Provision of retained REACH</i>	<i>Subject matter</i>	<i>Enforcing authority</i>	
		<i>Northern Ireland</i>	<i>Offshore installations</i>
Article 14(6).	Requirement on a registrant to identify and apply the appropriate measures adequately to control the risks identified in the chemical safety assessment and where suitable to recommend them in a safety data sheet that is supplied.	The Health and Safety Executive for Northern Ireland. The Department of Agriculture, Environment and Rural Affairs. District councils.	The Health and Safety Executive for Northern Ireland. Secretary of State.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision of retained REACH</i>	<i>Subject matter</i>	<i>Enforcing authority</i>	
		<i>Northern Ireland</i>	<i>Offshore installations</i>
Article 31(1).	Requirement on a supplier of a substance or a mixture to provide the recipient of that substance or mixture with a safety data sheet compiled in accordance with Annex 2 (guide to the compilation of safety data sheets).	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 31(2)-(9).	Requirement on an actor in the supply chain who has been requested to perform a chemical safety assessment to ensure that information in the safety data sheet is consistent with the information in the assessment.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement on a supplier to provide a safety data sheet when requested for a mixture which falls within Article 31(3).	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement on a supplier to provide a downstream user or a distributor with a safety data sheet when requested for a mixture or dangerous substance which is offered or sold to the general public.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement on a supplier to provide to the recipient of a substance or a mixture a safety data sheet in English.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement that the safety data sheet contains the information listed in Article 31(6).	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement on an actor in the supply chain to place the relevant exposure scenarios in an annex to the safety data sheet in accordance with section 3 of Annex	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.

Provision of retained REACH	Subject matter	Enforcing authority	
		Northern Ireland	Offshore installations
	11 (general rules for adaptation of the standard testing regime set out in Annexes 7 to 10).		
	Requirement on a downstream user to include the relevant exposure scenarios and use other relevant information from the safety data sheet in its own safety data sheet for identified uses.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement on a distributor to pass on relevant exposure scenarios and use other relevant information from the safety data sheet when compiling its own data sheet for identified uses.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement to provide a safety data sheet free of charge either electronically or on paper, and by no later than the date on which the substance or mixture is first supplied.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Requirement on a supplier to update a safety data sheet.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 32.	Duty on a supplier to provide to all recipients to whom supplies have been made within the preceding twelve months an updated safety data sheet.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Duty on a supplier who does not have to supply a safety data sheet to provide the recipient with the information in Article 32(1).	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 32(2), (3).	Duty on a supplier to provide information free of charge no later than the	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.

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Provision of retained REACH	Subject matter	Enforcing authority	
		Northern Ireland	Offshore installations
	time of first delivery of a substance or a mixture.		
	Duty on a supplier to update the information when required by Article 32(1).	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
	Duty on a supplier to provide to all recipients to whom they have supplied within the preceding twelve months updated information.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 36(1).	Requirement on a manufacturer, importer, downstream user or distributor to keep available for at least ten years after it last manufactured, imported, supplied or used the substance or mixture, all the information it requires to carry out its duties under REACH.	The Health and Safety Executive for Northern Ireland. The Department of Agriculture, Environment and Rural Affairs. District councils.	The Health and Safety Executive for Northern Ireland.
	Requirement on a manufacturer, importer, downstream user or distributor to submit or make available information to an appropriate authority or the Agency when requested to do so.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 36(2).	Requirement on a party responsible for liquidating the registrant's, downstream user's or distributor's undertaking or assuming responsibility for the placing on the market of the substance or mixture concerned, to comply with Article 36(1).	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 60(10).	Requirement on a holder of an authorisation to ensure that the exposure	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.

Provision of retained REACH	Subject matter	Enforcing authority	
		Northern Ireland	Offshore installations
	is reduced to as low a level as is technically and practically possible.	The Department of Agriculture, Environment and Rural Affairs. District councils.	Secretary of State.
Article 65.	Requirement on a holder of an authorisation or a downstream user to include the authorisation number on the label before placing the substance or mixture on the market for an authorised use.	The Health and Safety Executive for Northern Ireland. District councils.	The Health and Safety Executive for Northern Ireland.
Article 127E(7), (8) and (9).	Requirement to supply information to the Agency where importer continues to be regarded as downstream user.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.
Article 139A(6), (7) and (8).	Requirement to supply information to the Agency in respect of a protected NI import.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.”.

(4) In Schedule 4—

- (a) in paragraph 6, after “paragraph 7” insert “or 7A”;
- (b) in paragraph 7, after “paragraph 6” insert “in respect of EU REACH”;
- (c) in paragraph 7(c), for “another” substitute “a”;
- (d) after paragraph 7, insert—

“7A. The persons referred to in paragraph 6 in respect of retained REACH are—

- (a) the retained REACH Agency;
- (b) the appropriate authorities;
- (c) an enforcing authority.”.