

STATUTORY INSTRUMENTS

2020 No. 1577

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

PART 4

Amendment of the REACH Enforcement Regulations 2008

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.
Article 31(1).	Requirement on a supplier of a substance or a mixture to provide the recipient of that substance or mixture	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland.

Status: This is the original version (as it was originally made).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

Provision of retained REACH	Subject matter	Enforcing authority	
		Northern Ireland	Offshore installations
	with a safety data sheet compiled in accordance with Annex 2 (guide to the compilation of safety data sheets).		
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 11 (general rules for adaptation of the standard testing regime set out in Annexes 7 to 10).	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
	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 time of first delivery of a substance or a mixture.	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
	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 is reduced to as low a level as is technically and practically possible.	The Health and Safety Executive for Northern Ireland.	The Health and Safety Executive for Northern Ireland. Secretary of State.

Provision of retained REACH	Subject matter	Enforcing authority	
		Northern Ireland	Offshore installations
		The Department of Agriculture, Environment and Rural Affairs. District councils.	
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.”.