

EXPORTING CHEMICALS TO THE UK AFTER BREXIT

Now that the transition period has ended, the UK and the EU are two separate entities, with two separate regulatory systems.

The UK has adopted its own version of the EU-REACH Regulation (UK Statutory Instrument 2019 No. 758) – it is exactly the same as the EU-REACH at the point of exit (31st December 2020), but any future EU updates will need to be made separately by the UK government.

The actions required to continue exporting are the same, regardless of whether you are based in the EU or outside of the EU.

UK-REACH is applicable to all chemical substances imported into UK at over 1 tonne/year. If you previously exported to the UK when it was part of the EU, and your export was covered by an Importer or Only-Representative in the EU (not UK), you need to submit a **Downstream User Import Notification (DUIN)**. This can be submitted by the UK Importer or by a UK based Only-Representative and must be made within the first 300 days of 2021.

It is a relatively simple process that involves submission of information currently available to you (for example on an SDS).

- First you must register for a UK-REACH DUIN number
- Then provide basic identification information for all substances imported over 1 tonne/year, including those in mixtures. This is entered onto a pre-formatted excel spread sheet. If available to you, spectral and analytical information can be included.
- The spread sheet is submitted to the UK Agency (The Health and Safety Executive).

There is no charge for notification. Notification does not oblige you to register your substance. However, if you wish to continue importing then a new registration is required after the following deadlines (includes the initial 300 days):

Deadline post 28 October 2021	Tonnage	Hazardous property
2 years from 28 October 2021	1000 tonnes or more per year	<ul style="list-style-type: none">• Carcinogenic, mutagenic or toxic for reproduction (CMRs) - 1 tonne or more per year• Very toxic to aquatic organisms (acute or chronic) - 100 tonnes or more per year• Candidate list substances (as at 31 December 2020)
4 years from 28 October 2021	100 tonnes or more per year	Candidate list substances (as at 27 October 2023)
6 years from 28 October 2021	1 tonne or more per year	

Continued

The same principles as EU-REACH apply in that a single registration is submitted and data sharing is encouraged. There is currently no guidance on registration but, if you previously had a registration in the EU, then it may be possible to base the UK registration on the existing IUCLID file. Companies will need to re-negotiate Letter of Access Agreements, as most of these will stipulate using data for EU-REACH and this registration will be outside that purpose. The UK Agency will be charging for registration, so you need to budget for this in 2023, 2025 or 2027, as applicable. Currently prices are the same as for EU registration:

Table 1: Standard fees

	Individual submission	Joint submission
Fee for substances in the range of 1 to 10 tonnes	£1,518	£1,138
Fee for substances in the range 10 to 100 tonnes	£4,080	£3,061
Fee for substances in the range 100 to 1 000 tonnes	£10,913	£8,185
Fee for substances above 1 000 tonnes	£29,419	£22,064

More information on charges for other categories can be found at <https://www.hse.gov.uk/reach/fees-and-charges-table.htm#registration>

toXcel International Ltd is based in the UK. The company previously acted as an Only-Representative for non-EU companies exporting to the EU, and now offers the same service for non-UK companies wishing to export to the UK. We have extensive experience with EU-REACH and can help with your DUIN notification, and then with your registrations.

Please note that if you never imported a substance into the EU (including UK) before 31st December 2020, then DUIN is not an option for you, and you must file for a registration. There are also different requirements for companies that previously held a REACH registration with a UK company or Only-Representative (even if you moved it to the EU prior to Brexit) and there is provision for the registration to be grandfathered into the system.

If you would like to know more about UK-REACH and the services provided by *toXcel* International Ltd, please email Christine.McAlinden@toxcel.co.uk.

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