



Department
for Environment
Food & Rural Affairs

UK REACH guidance if there is no Brexit deal

Leaving the EU with a deal remains the Government's top priority. This has not changed. However a responsible government must plan for every eventuality, including a no deal scenario.

This guidance combines the guidance document ("[Technical Notice](#)") published on 24 September 2018, with the 'REACH additional guidance' published on 4 December 2018, to help businesses prepare for the possibility of no deal.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

This version, updated on 14/03/2019, includes the following clarifications to the guidance:

- The deadline for submission of initial information for grandfathering of registrations and PPORD exemptions has been extended to 120 days, to build in contingency in the event of any delay to the launch of the IT system.
- UK REACH does not mandate SIEFs, but retains the 'One Substance, One registration' principle.
- Grandfathering does not apply to registrations held by entities established outside of the UK.
- The information required for notification of substances in mixtures: importers of mixtures from the EEA will only be required to submit information for the substances which they have been informed are contained in the mixtures. Appendix C has been updated to reflect this.
- Scenario 3 has been edited to improve clarity.

Before the UK leaves the EU

There is a large body of existing EU law relating to chemicals which protects human health and the environment, as well as enabling products to be placed on the market.

The UK chemicals industry is currently regulated through a framework largely based on EU legislation. The European Chemicals Agency (ECHA) is the lead body in implementing this framework. The main piece of legislation is REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation. REACH requires EU companies to register chemicals with ECHA before placing them on the market, and puts in place additional regulatory controls on hazardous chemicals.

Companies producing and exporting chemicals from outside the European Economic Area (EEA) must comply with REACH by ensuring the EEA-based importer they supply fulfils the requirements of the regulation, or by procuring the services of an Only Representative (OR). An OR is based in the EEA and acts as an agent to carry out the tasks and responsibilities of importers to comply with REACH. This can simplify access to the EEA market for products from companies outside the EEA, securing the supply and reducing responsibilities for importers.

In the event of no deal, the EU REACH Regulation¹ will be brought into UK law by the European Union (Withdrawal) Act 2018. That Regulation, and related legislation, will be retained in the UK with the changes necessary to make it work in the domestic context. We will therefore retain the key principles of the EU REACH Regulation, including its fundamental principle of 'no data, no market', and its provision for Only Representatives (ORs). In this note, the EU REACH Regulation, as amended, is referred to as the UK REACH Regulation, and the regulatory system it creates is referred to as UK REACH.

After the UK leaves the EU if there's no deal

In the event of no deal, the UK will build domestic capacity to deliver the functions currently performed by ECHA.

By doing this, the UK would continue to be able to monitor and evaluate chemicals in the UK to reduce the risks posed to human health and the environment. It would also minimise disruption to the supply of chemicals. Existing standards of protection of human health and the environment would be maintained. From the day the UK leaves the EU, the Health and Safety Executive (HSE) would act as the lead UK regulatory authority, building on its existing capacity and capability.

The new regulatory framework would: enable the registration of new chemicals through a UK IT system that is similar to the existing EU IT system; provide specialist

¹ Regulation (EC) No 1907/2006.

capacity to evaluate the impact of chemicals on health and the environment; ensure sufficient regulatory and enforcement capacity in the HSE, the Environment Agency (EA) and other regulators, enabling them to recommend controls in response to the hazards and risks of substances; and provide for an appropriate policy function in Department for Environment, Food & Rural Affairs (Defra) and the devolved administrations.

In the event of 'no deal', the UK would not be legally committed to medium- or long-term regulatory alignment with the EEA.

Implications

If the UK leaves the EU without a deal, this would mean:

- Companies registered with REACH would no longer be able to sell into the EEA market without transferring their registrations to an EEA-based organisation. Companies would therefore need to take action to preserve their EEA market access.
- UK downstream users currently importing chemicals from an EEA country would face new registration requirements. Under the UK's replacement for REACH, importers would have a duty to register chemicals. Similarly UK downstream users of authorisations would no longer be able to rely on post-EU Exit authorisation decisions addressed to companies in the remaining EEA countries.
- UK downstream users of current EU authorisations will be able to continue to use the substance as long as they can demonstrate that they are meeting the conditions of that authorisation.

Ensuring continued access to the UK market and maintaining existing standards of protection for human health and the environment

The approach set out below is designed to maximise continuity, consistent with the aims of the requirements of REACH that are being brought into UK law through the EU Withdrawal Act. It provides a transition period before full obligations would fall on the importers who would otherwise be most affected.

To ensure continuity for business we would:

- Carry across existing REACH registrations held by UK-based companies directly into the UK's replacement for REACH, legally 'grandfathering' the registrations into the UK regime.
- Set up a transitional light-touch notification process for UK companies importing chemicals from the EEA before the UK leaves the EU that don't hold a REACH registration. This would reduce the risk of interruption in supply chains for companies currently relying on a registration held by an EEA-based company. This would mean that those UK companies could continue to buy those chemicals from the EEA without any break.

Please note: The advice contained in this document should not be taken as a definitive statement of the law or its interpretation. Only the courts can decide on the definitive interpretation of the law.

- Carry into the UK system all existing authorisations which have gone through the full authorisation process (and have a review date), so that chemicals can continue to be used by UK companies who rely on these authorisations.

Implications for UK business

The role you currently undertake within EU REACH may change, in some cases significantly. It is therefore important that you undertake a review of your role(s) within the EU and UK REACH regimes. To maintain or gain access to the EU/EEA and the UK markets, there may be a number of actions you will need to take if there is no deal with the EU. For example:

For existing EU REACH registration holders

- In order to continue exporting substances or mixtures to the EU/EEA market, UK-based entities currently holding EU REACH registrations would need to transfer their registrations to an EU/EEA-based entity, or support their EU/EEA-based importers to become registrants. Further details are available on the [ECHA website](#).
- Entities currently holding EU REACH registrations would also need a valid UK REACH registration to maintain access to the UK market.

For downstream users

- UK downstream users (who do not hold an EU REACH registration) currently purchasing chemicals from an EU/EEA country would need to ensure the substances they purchase are covered by a valid UK REACH registration held by an actor within their supply chain. If purchasing quantities of one tonne or more per year, they could either:
 - encourage the EU/EEA supplier to appoint a UK-based OR;
 - become the importer and take on the duty to register chemicals for the UK market; or
 - change source to a UK registered supplier.
- UK downstream users using a substance subject to an existing EU REACH authorisation would need to provide information to the UK Agency (the HSE) to continue to benefit from the authorisation.

In a no-deal scenario, the UK and the EU regulatory agencies would operate independently from each other. If companies are supplying and purchasing substances, mixtures or articles to and from the EU/EEA and the UK, they will need to ensure that the substances, or substances within a mixture/article, are registered with both agencies (ECHA and the UK Agency, i.e. the HSE) separately, by an actor within their own supply chain, in order to maintain or gain access to both markets.

The following guidance sets out a number of actions that your company would need to investigate so that you can prepare for a 'no-deal' scenario. For the UK market, there will be a phased approach designed to minimise disruption and ensure continuity. Some of the proposed timeframes will be kept under review.

Scenario 1: You are a UK-based EU REACH registration holder wishing to maintain UK market access

- Your registration(s) will be legally recognised in the UK REACH system at the point that the UK leaves the EU. This recognition is called ‘grandfathering’.
- This will provide continued access to the UK market after the UK leaves the EU.
- You will then need to confirm your existing registration and provide supporting information to the UK Agency (the HSE). You will need to:
 1. Open an account on the new UK REACH IT system, which will be launched by the point that the UK leaves the EU.
 2. Provide some basic information on your existing registration within 120 days of the UK leaving the EU. Full details of the information required can be found in Appendices A and B.
 3. Provide the technical information required under UK REACH for your tonnage band within 2 years of the UK leaving the EU. The information requirements for UK REACH will remain the same as they currently are for EU REACH. This timescale will be kept under review. Full details can also be found in Appendices A and B.

- Grandfathering will apply to all registrations (including intermediates) held by UK-based entities, including importers and UK-based Only Representatives (ORs), and to sole, lead or joint registrants.
- Grandfathering will apply to all UK-based registrations that exist at the time of exit, and all registrations held by UK entities at any point within the two years prior to the UK leaving the EU. This means that if a UK registration was transferred to an EU/EEA-based entity in the run-up to the UK leaving the EU, it will still be carried over into the UK system.
- Grandfathering will not apply to registrations held by entities established outside of the UK, regardless of whether they are part of a group of companies which also has a presence in the UK. Those registrations will not be grandfathered, unless they have been transferred to a UK-based entity before the UK leaves the EU. Before transferring any registrations, you will need to consider how this would affect your operations in the EU/EEA and your ability to access the EU/EEA market.
- Any ECHA decisions relevant to the registration will remain valid.
- Grandfathering will not incur any fees from the UK Agency (the HSE) for registrants: it will happen at the point that the UK leaves the EU, providing unbroken legal validity.
- Your UK REACH registration number will be issued upon submission of the initial information required within 120 days of the UK leaving the EU.
- Access to the technical information used for the ECHA registration may require renegotiating commercial contracts/letters of access which were originally put in place for EU REACH under a Substance Information Exchange Forum (SIEF). You may wish to instigate contact with SIEF

members as part of your contingency planning; this may help provide an early indication of the terms that would be attached to renegotiating access to the data for UK REACH purposes.

- You may wish to contact the other UK registrants in your SIEF to prepare a joint UK REACH registration.
- Under UK REACH in a 'no deal' scenario, UK companies will not be required to form a Substance Information Exchange Forum (SIEF) in order to submit registration data, including under the grandfathering provisions². UK REACH will include a similar pre-registration substance inquiry system to EU REACH in order to facilitate the principle of 'One Substance, One Registration' set out in Regulation 2016/9, which will be retained under UK REACH. We are working with industry to look at the operability of data and cost-sharing provisions in the UK context, and will issue further guidance in due course.

Scenario 2: You are a UK-based downstream user or a distributor of an EU REACH registered chemical and wish to maintain UK market access

- If the UK leaves the EU without a deal, EU/EEA countries will be in the same situation as non-EEA countries for the purposes of the UK REACH Regulation. This means that companies procuring substances and mixtures from EU/EEA suppliers either directly or in articles would become importers under UK REACH. These companies will then have an obligation to hold a UK registration as importers. However, in order to ensure continued access to the UK market and to maintain supply chains, we propose to implement a 'notification' system before full registration obligations are applied.
- If you are a downstream user or distributor of EU/EEA-imported substances, you will need to complete a 'notification' by:
 1. Opening an account on the new UK REACH IT system.
 2. Providing some information within 180 days of the UK leaving the EU. Full details of the information required can be found in Appendix C.
- Notification will not incur any fee from the UK Agency (the HSE).
- The notification does not tie you to your existing EU/EEA supply chain: you may switch suppliers temporarily or permanently, and inform the UK Agency (the HSE) of any relevant changes.
- If you are importing mixtures, you will only need to supply details of the substances which you can find out are contained in the mixture (where you import 1 tonne or more of the substance per year, taking account of all the mixtures where the substance is present).
- You will need to register the substances with the UK Agency (the HSE) by providing the technical dossier appropriate to your tonnage to support your registration within two years of the UK leaving the EU, if you wish to continue

² Under Article 29(3) of the EU REACH Regulation SIEFs were only due to be operational until 1 June 2018 so the relevant provisions are spent.

importing these chemicals. This timescale will be kept under review. These will be classed as new registrations and will therefore be subject to fees payable to the Agency (the HSE).

- EU/EEA manufacturers exporting to the UK may choose to appoint a UK-based OR to take on UK REACH obligations. This would be classed as a new substance registration: full registration duties (e.g. full data package submitted on registration) would apply, and the appropriate registration fee would be charged (see 'new registrations' later in this document). If the EU/EEA manufacturer's UK-based OR registers within 2 years of the UK leaving the EU, UK importers from the EU/EEA would regain the status of downstream user within UK REACH, and would therefore not need to become registrants themselves. If the OR registers within 180 days of the UK leaving the EU, this would relieve their UK downstream users of the duty to notify the HSE within 180 days. UK downstream users may make use of the notification provision in the first instance, and consider further steps depending on their suppliers' intentions in relation to the UK market.

Scenario 3: You are an existing UK-based importer or distributor of substances sourced from outside the EU/EEA and wish to maintain EU/EEA market access

- Importers of chemical substances sourced from outside the UK will have a duty to hold a UK REACH registration. If you hold an EU REACH registration as a UK-based importer of a chemical substance from outside the EU/EEA, your registration will be grandfathered into UK REACH as set out in scenario 1. You can find more details [here](#).

Access to the EU/EEA market

- UK-based companies that act only as importers of substances cannot appoint an OR under EU REACH (only a manufacturer, formulator or producer of articles can do so). This means that, as a UK-based importer, you will not have the option to transfer your EU REACH registrations to an EU-based OR to continue selling into the EU/EEA. If you wish to continue to sell chemicals to EU/EEA customers in a no-deal scenario, you may either:
 - Work with your EU/EEA-based customers to help them register with ECHA as importers; or
 - Work with the non-EEA-based manufacturer supplying you to encourage them to appoint an OR based in an EU/EEA country, which can register the substance with ECHA. You will need to consider in each case whether this registration will be sufficient to allow you to export the substance into the EU/EEA.

Scenario 4: You are a UK-based REACH authorisation holder wishing to maintain your use or supply for a use in the UK

- If you are a UK manufacturer, importer, downstream user or an Only Representative, your existing EU authorisations before the UK leaves the EU will be carried over ('grandfathered') into the UK system. This will include the review period and any conditions attached to the authorisation. It will not incur a fee from the Agency (the HSE).
- If you are a UK holder of authorisations (i.e. where you applied and the European Commission has granted an authorisation decision), you will be required, within 60 days of the UK leaving the EU, to supply the UK Agency (the HSE) with technical information relating to the authorisation to enable the effective management and enforcement of the authorised substance. The required technical information is:
 - a) the information included in the application for the authorisation;
 - b) any other information provided to ECHA by the applicant for the authorisation which was material to the formation of ECHA's opinion; and
 - c) any information required to be submitted or recorded before the point that the UK leaves the EU under any condition under which the authorisation is granted.

Scenario 5: You are a UK downstream user of a REACH authorisation held by an EU/EEA-based company, wishing to maintain your use or supply for a use in the UK

- If you are a UK downstream user of an EU REACH authorisation held by an EU/EEA company, you will continue to be able to use that substance in accordance with that authorisation after the UK leaves the EU, providing that, within 60 days of the UK leaving the EU, you:
 1. Confirm to the UK Agency (the HSE) that you are an existing authorised downstream user under EU law in relation to the substance, and
 2. Notify the UK Agency (the HSE) of:
 - a) the existing EU authorisation;
 - b) any conditions set out in the existing EU authorisation;
 - c) the identity of the supplier of the substance.

Substances of Very High Concern and Restrictions

- The ECHA candidate list at the point that the UK leaves the EU will be carried into UK law. Annex XIV of the EU REACH Regulation and the substances listed in it will also be retained in the UK REACH Regulation.
- The restrictions currently listed in Annex XVII to the EU REACH Regulation will be carried over into the UK REACH Regulation.
- The powers to update the candidate list, Annex XIV and Annex XVII will remain in UK REACH based on the same legal conditions and criteria.

Scenario 6: You are exempt through a PPORD

- Article 9 exemptions (PPORDs) in EU REACH will be carried over into UK REACH.
- Current exemptions under EU REACH for substances imported or manufactured for purposes of product(s) and process oriented research and development (PPORDs), where the research and development concerned takes place in the UK, will be grandfathered into UK REACH. If you are a manufacturer, importer or producer, you must, within 120 days of the UK leaving the EU:
 1. Notify the Agency of the relevant information required as per Article 9(2) – no fee is required on compliance with this for a grandfathered PPORD;
 2. Notify the UK Agency (the HSE) of the number and notification date assigned by ECHA;
 3. Supply the UK Agency (the HSE) with copies of any additional necessary information given to ECHA.
- Grandfathered PPORDs will be subject to the same conditions imposed by ECHA, and existing validity periods for PPORD exemptions will be maintained e.g. five years from the agreed date with ECHA under Article 9(3) or Article 9(7), and may be extended by up to 10 years.
- Grandfathered exemptions will expire on the date that the exemption granted under the EU REACH Regulation would have expired unless you request an extension from the UK Agency (the HSE).

Scenario 7: You are awaiting an ECHA or EU Commission decision

Registrations

- If your registration under the EU REACH Regulation is in progress at the point that the UK leaves the EU, you will need to submit a separate new registration to the UK Agency (the HSE). This will incur the fee applicable to a new registration, payable to the UK Agency (the HSE).

Authorisations

- If you are a UK company that has submitted an authorisation application to ECHA but where ECHA has not finalised its opinions under Article 64(5) by the point that the UK leaves the EU, you will need to resubmit your dossier to the UK Agency (the HSE) if you want to continue placing this substance on the market or using it in the UK after the sunset date inscribed in Annex XIV of REACH.
- The authorisation process will be streamlined where your application is in its final decision stage. An application for an EU authorisation is at the final decision stage if:
 - (a) ECHA has adopted its final opinions, but
 - (b) the European Commission has not made a final decision granting or refusing the application.

The Secretary of State for Defra will make a decision on the basis of the opinions ECHA sent to the European Commission. The decision will be taken subject to the consent of the Devolved Administrations where it involves matters of devolved competence.

To take advantage of this, applicants will have to:

- (i) notify the Secretary of State of the existence of the application, and
- (ii) give the Secretary of State copies of the application, the information included in it, and any other information provided to ECHA by the applicant for the authorisation which was material to the formation of ECHA's opinion in relation to the application for the authorisation.
- (iii) give the Secretary of State copies of the opinions ECHA sent to the applicant.

Where a UK applicant places a substance on the market or uses the substance in reliance with Article 56 (1) (d) of EU REACH, they may continue to do so under this Article. However, this is as long as the necessary information is provided to the Secretary of State within 180 days of the UK leaving the EU.

- Where an application has been made to ECHA by an EU/EEA applicant before the last application date, and the Commission has not given a final decision, the UK-based downstream users will no longer be able to benefit from that authorisation application to continue using the substance after the sunset date. Instead you will have to apply for a UK REACH authorisation. You should contact the UK agency (the HSE) to discuss the best way of achieving compliance.

UK REACH after the UK leaves the EU without a deal

New registrations

- If a business wishes to place new chemicals on both the EU/EEA and UK markets, if there's no deal with the EU, they will have to ensure that they

Please note: The advice contained in this document should not be taken as a definitive statement of the law or its interpretation. Only the courts can decide on the definitive interpretation of the law.

comply with both EU REACH and UK REACH. UK REACH registrations will require the same IUCLID technical dossier format as EU REACH, for the relevant tonnage bands in the UK market. Non UK-based entities may access the UK market under UK REACH via a UK-based Only Representative, or by relying on their UK customer to register the substance.

- Registration of new chemicals for the UK market, if the UK leaves the EU without a deal, will be done directly through the UK Agency (the HSE), via the UK REACH IT system. The ECHA Fees regulation will be transposed into UK law so the fees will be similar to those currently charged by ECHA using the average exchange rate for 2017.
- New registrations will not be phased-in by tonnage bands.
- As with EU REACH, obligations would depend on tonnage band, and apply by reference to the tonnage manufactured in or imported into the UK. There would be no registration obligations for substances under one tonne.
- UK REACH will include a similar pre-registration substance inquiry system to EU REACH.
- Similar provisions on data sharing and test cost sharing will also be reflected in the UK REACH Regulation.

Authorisations

- If the UK leaves the EU without a deal, new applications for authorisations for the UK market should be made to the UK Agency (the HSE), and will incur similar administration fees as authorisations currently do under EU REACH. The Agency must obtain and use the advice of the environmental regulators across the UK (which will be coordinated centrally by the Environment Agency) when the application involves environmental issues.
- The UK REACH authorisation process would include the same provision for inviting information on alternative substances or technologies as in EU REACH.
- Decisions to grant authorisations would be taken by the Secretary of State, subject to the consent of the Devolved Administrations where they involve matters of devolved competence.

Safety Data Sheets

- The format, content and conditions under which Safety Data Sheets are required, as specified in the EU REACH Regulation and the subsequent amendments³, will remain the same. This means that Safety Data Sheets created under EU REACH will be valid under UK REACH.

Restrictions

- In the event of no deal, the UK will make its own decisions on future restrictions.

³ Regulation (EU) 2015/830 - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R0830&from=EN>

- The UK system would have a similar procedure to introduce new or amended restrictions. The UK Agency (the HSE) will make assessments on any future substances that may meet the requirement for restriction under the UK REACH Regulation; issues taken into account will include (but not be limited to) regulatory developments in the EU. The Agency must obtain and use the advice of environmental regulators across the UK (which will be coordinated centrally by the Environment Agency) when the application involves environmental issues.
- The Agency will send its opinions to the Secretary of State who will decide whether to amend Annex XVII, subject to the consent of the Devolved Administrations where matters of devolved competence are involved.

PPORD Exemptions

- All new PPORD notifications after the UK leaves the EU should be made to the UK Agency (the HSE).

Only Representative provision

- The UK REACH Regulation will replicate the EU REACH Regulation's provision for Only Representatives (ORs). Third country manufacturers, formulators and producers of articles wanting to trade into the UK will be able to appoint a UK-based OR to take on their duties under the UK REACH Regulation. This facility would therefore also be available to EU/EEA countries wanting to access the UK chemicals market.

UK REACH-IT

- An IT system mirroring EU REACH IT is being built for new registrations, grandfathering and downstream user notifications to be operable from the day that the UK leaves the EU.
- The system will replicate the same functionality as the one used for EU REACH purposes. It will, for example, allow IUCLID to be used so that the same dossiers can be uploaded to UK REACH-IT.

Appendix A: Grandfathering data submission requirements

Registrants under EU REACH

This applies to all existing UK registrants under EU REACH, except for registrants of intermediates (please see appendix B for intermediates requirements).

The registrant must supply the following information to the Agency (the HSE) within 120 days of the UK's exit from the EU:

- evidence of their ECHA registration – such as ECHA registration number and date, and such other evidence as HSE may require of the EU registration.
- the information referred to in Article 10(a)(i), (ii), and (iii), and any relevant indication under Article 10(a)(viii):

This means the following information:

- *Identity of manufacturer/importer (Article 10(a)(i))*
 - *Substance identity (Article 10 (a)(ii))*
 - *Information on the manufacture and use of the substance data (Article 10(a)(iii))*
 - *An indication as to which of the relevant information on manufacture and use has been reviewed by an assessor (Article 10(a)(viii))*
- notification of any ECHA decision which relates to the registration.

All of the other information submitted to ECHA in accordance with Article 10 must be submitted to the UK authority (HSE) within 2 years. This is the information referred to in Article 10(iv)-(ix) and (xi), and Article 10(b):

- *The classification and labelling of the substance (Article 10(a)(iv))*
- *Guidance on the safe use of the substance (Article 10(a)(v))*
- *Study summaries (Article 10(a)(vi))*
- *Robust study summaries, if required (Article 10(a)(vii))*
- *An indication as to which of the above has been reviewed by an assessor (Article 10(a)(viii))*
- *Proposals for additional testing (Article 10(a)(ix))*
- *Exposure information for substances in the 1-10 tonnes tonnage band (Article 10(a)(x))*
- *Confidentiality request and justification, if relevant (Article 10(a)(xi))*
- *A chemical safety report when required under Article 14 (Article 10(b))*

Please note: The advice contained in this document should not be taken as a definitive statement of the law or its interpretation. Only the courts can decide on the definitive interpretation of the law.

Appendix B – Grandfathering data submission requirements for intermediates

Registrants under EU REACH

This applies to all existing UK registrants of intermediates under EU REACH.

The registrant must supply the following information to the Agency (the HSE) within 120 days of the UK's exit from the EU:

- evidence of their ECHA registration – such as ECHA registration number and date, and such other evidence as HSE may require of the EU registration; and
- for on-site isolated intermediates: the information referred to in Article 17(2)(a), and (b), (e) and (f), and the confirmation referred to in Article 17(3); or

for transported isolated intermediates: the information referred to in Article 18(2)(a), and (b), (e) and (f), and the confirmation referred to in Article 18(4)

This means the following information:

- *identity of manufacturer or importer (Article 17(2)(a) or 18(2)(a))*
- *identify of the intermediate (Article 17(2)(b) or 18(2)(b))*
- *a brief general description of use (Article 17(2)(e) or 18(2)(e))*
- *details of the risk management measures applied (Article 17(2)(f) or 18(2)(f))*
- *confirmation of application of strictly controlled conditions (Article 17(3) or 18(4))*

All of the other information submitted to ECHA in accordance with Article 17 or 18 must be submitted to the UK authority (HSE) within 2 years. This is the information referred to in Article 17(2) (c) and (d) or Article 18(2)(c) and (d) and Article 18(3):

This means the following information:

- *the classification of the intermediate (Article 17(2)(c) or 18(2)(c))*
- *any available existing information on physicochemical, human health or environmental properties of the intermediate (Article 17(2)(d) or 18(2)(d))*
- *for transported isolated intermediates over 1000 tonnes the additional information on physicochemical, human health or environmental properties as specified in Annex VII (Article 18(3))*

Please note: The advice contained in this document should not be taken as a definitive statement of the law or its interpretation. Only the courts can decide on the definitive interpretation of the law.

Appendix C: Notification requirements for UK Downstream Users and Distributors of EU REACH registered chemicals

All notification information should be submitted within 180 days.

A. If the existing UK downstream user or distributor under EU REACH imports the substance into the UK in quantities of 1 to 10 tonnes per year from an EU/EEA state they must supply:

- the information referred to in Article 10(a)(i)
- the information referred to in Article 10(a)(ii) and (iv) to the extent that it is available to them
- the information referred to in Article 32(1)(a) to (d)
- the relevant registration number for the substance under EU REACH, and such other evidence as the Agency may require to support the information in Article 32(1).

This means:

- *Identity of manufacturers/importers*
- *Substance identity to the extent it is available to them*
- *Classification and labelling to the extent it is available to them*
- *Details of any authorisations*
- *Details of any restrictions*
- *Any other available and relevant information necessary to enable appropriate risk management measures to be identified and applied*
- *Registration number(s) assigned by ECHA to the extent it is available to them*

B. If the existing UK downstream user or distributor under EU REACH imports the substance into the UK in quantities of 10 tonnes or more per year from an EEA state they must supply:

- the requirement of Article 10(a)(i)
- the information referred to in Article 10(a)(ii) and (iv) to the extent that it is available to them
- the information referred to in—
 - Article 14(6)
 - Article 31, and
 - Article 32(1)(a) to (d)
- The relevant registration number for the substance under EU REACH, and such other evidence that the Agency may require to support the information relating to Articles 14, 31 or 32.

This means:

- *Identity of manufacturers/importers*
- *Substance identity to the extent that it is available to them*

- *Classification and labelling to the extent that it is available to them*
- *Identification and application of appropriate measures to control risks identified in the Chemical Safety Report to the extent it is available to them*
- *Safety data sheets*
- *Details of any authorisation*
- *Details of any restriction*
- *Any other appropriate information to enable correct risk management measures to identified and applied including those resulting from additional exposure-driven testing*
- *Registration number(s) assigned by ECHA to the extent it is available to them*