

Continuing to trade in the EU and UK post-Brexit

The UK officially left the European Union on the 31 January 2020 and entered a transition period for 11 months, which ends on the 31 December 2020. During the transition period, the UK and the EU have that time to agree what the future relationship will look like, which will include regulatory alignment (or not).

While the final outcome is not yet fully known, this will impact how organisations trade within Europe, including how they are placing products on the market and the regulatory implications from a hazard communication perspective.

This poster attempts to summarise the current expectation on what will change, primarily from a REACH perspective, and what you need to be thinking about now to ensure that your SDS's are correct, your registrations are valid and you continue to comply with requirements in the EU and UK.

CLP and poison centres

While the main focus for many companies is on REACH, CLP will also no longer be the governing legislation for Great Britain (GB). GB will adopt the GB CLP Regulation and GB based businesses will be required to notify the HSE (the GB CLP Agency) of the classification and labelling of the substances they place on the GB market. The EU CLP Regulation will still apply in Northern Ireland.

For organisations with only a GB based entity, it is important to also consider that an EU legal entity is required to do poison centre notifications under Annex VIII. Therefore, it is important to also consider your European trade and how you will continue to comply with European legislation such as poison centres.

Please also see NCEC's poster on CLP Annex VIII.

What you should do now

- 1 Check where your products are registered for REACH.
- 2 Discuss internally (or with your OR) the plans for registration continuity.
- 3 Talk to your downstream supply chain, particularly in the UK, to understand their concerns and expectations.
- 4 Put in place a business continuity plan.

REACH: what should you do once the transition period ends?

GB Market

GB Based Registration

Action: Complete 'Grandfathering' of existing registrations.

- Implementing a transition for UK-based businesses.
- REACH registrations valid for 2 years from the end of the transition period, known as 'grandfathering'.
- 120 days to notify the HSE from the end of the transition period.
- 300 days plus either 2, 4 or 6 years (depending on tonnage and/or hazard profile) to complete a full UK REACH registration.
- Expected to be similar to EU REACH.
- NCEC offer expert support.

EU27 Based Registration

Action: Register under UK-REACH Equivalent

- GB customers of EU companies can be a GB based importer.
- A GB legal entity is needed
- 300 days to pre-notify under UK REACH if using a GB based importer
- 2, 4 or 6 years (depending on tonnage and/or hazard profile) to complete a full UK REACH registration.
- Can use a GB Only Representative service if you don't have a GB based importer.
- Full registration needed immediately if not pre-notified.
- If a GB downstream user of an EU/EEA or NI-based business, you have 60 days from the end of the transition period to provide additional information to the HSE.

EU27 Market*

GB Based Registration

Action Transfer registrations to EU legal entity

- GB registrations transferred to EU27 legal entities
- Includes registrations through a GB Only Representatives (OR)
- Expected ECHA Brexit window for transfers.
- Receiving entity will need to accept transfer.
- Businesses could use an EU27 OR.
- ECHA will charge a fee for each legal entity transfer.
- SDS section 1 updated to reflect entity change.

EU27 Based Registration

Action: None needed

All registrations through a European legal entity will continue to be valid across the EU27.

* Under the Northern Ireland protocol, the EU REACH Regulation will continue to apply to Northern Ireland after the transition period ends.

About NCEC

NCEC is committed to supporting its clients to lead the way in best practice and ensure that global supply chains reflect the industry's commitment to protecting people, the environment, assets and reputation.

Since 1973, NCEC has set the global standard in emergency response. Today we represent more than 600 companies globally, including 50% of the world's top 100 chemical companies.

NCEC's regulatory team is a leading provider of European chemical regulatory services under the REACH and CLP Regulations. These services are built on years of experience including shaping policy through our work with the European Commission

For more in-depth information about the content of this poster, please speak to our experts at this event or Visit our website: www.the-ncec.com

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