

SCHEDULE 10

Regulation 12

Amendment of the REACH [^{F1}Enforcement] Regulations 2008

Textual Amendments

- F1** Word in Sch. 10 heading substituted (31.12.2020 immediately before S.I. 2020/1577, Pt. 2 comes into force) by The REACH etc. (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/858), regs. 1, 5(2) (as amended by S.I. 2020/1577, regs. 1(1)(a), 12(2))

PART 1

Enforcement of requirements under transitional provisions relating to EU exit

Enforcement of requirements under transitional provisions relating to EU exit

1.—(1) 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 “the REACH table” substitute—

““a REACH table” means—

(a) the table in Schedule 1 to these Regulations, ^{F2}...

(b) the table in Schedule 1A to these [^{F3}Regulations, or]

[^{F4}(c) the table in Schedule 1B to these Regulations;]

“the relevant REACH table” means—

(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.”

[^{F5}(2) In regulation 3—

(a) for “REACH table”, in each place it occurs, substitute “relevant REACH table”.

(c) in paragraph 5—

(i) in subparagraph (a), for “adjacent to Northern Ireland” substitute “within the seaward limits of the territorial sea adjacent to Northern Ireland”;

(ii) omit subparagraph (b).]

(3) In regulation 3A(1), for “in any column” to the end substitute “ against any listed REACH provision in any column of the relevant REACH table ”.

(4) In the title of Schedule 1, after “of” insert “ General ”.

(5) After Schedule 1 insert—

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 10. (See end of Document for details)

“SCHEDULE 1A

Regulation 2(1)

Table of REACH transitional provisions relating to EU exit

Provision of REACH	Subject matter	Enforcing authority			Offshore installations
		England and Wales	Scotland	F6	
Article 127B(4) and (6).	Requirement to supply information to the Agency where existing EU registration becomes [^{F7} GB] registration.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ...	The Health and Safety Executive. F8 ...
Article 127C(3).	Requirement to supply information to the Agency about existing ECHA decisions.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ...	The Health and Safety Executive. F8 ...
Article 127E [^{F9} (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.	The Health and Safety Executive.	F6 ...	The Health and Safety Executive. F8 ...
Article 127F(1).	Requirement to supply technical information to the Agency where existing EU authorisation becomes [^{F10} GB] authorisation.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ...	The Health and Safety Executive. F8 ...
Article 127H(4).	Requirement to supply information to the Agency where authorised downstream user continues to be regarded as such.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ...	The Health and Safety Executive. F8 ...

Article 127J(2).	Requirement to supply information where a notification was given under Article 7(2) of EU REACH.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ... F8 ...	The Health and Safety Executive.
Article 127K(4).	Requirement to notify Agency and supply information to it where exemption under Article 9 of EU REACH continues to have effect.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ... F8 ...	The Health and Safety Executive.
Article 127L(3) and (5).	Requirement to supply information to the Agency where registration under Article 17 of EU REACH continues to have effect.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ... F8 ...	The Health and Safety Executive.
Article 127M(3) and (5).	Requirement to supply information to the Agency where registration under Article 18 of EU REACH continues to have effect.	The Health and Safety Executive.	The Health and Safety Executive.	F6 ... F8 ...	The Health and Safety Executive.

[F11(6) After Schedule 1A insert—

“SCHEDULE 1B

Regulation 2(1)

Table of REACH provisions relating to protected NI imports

<i>Provision of REACH</i>	<i>Subject matter</i>	<i>Enforcing authority</i>		
		<i>England and Wales</i>	<i>Scotland</i>	<i>Offshore installations</i>

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<i>Provision of REACH</i>	<i>Subject matter</i>	<i>Enforcing authority</i>
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. The Health and Safety Executive. The Health and Safety Executive.”.]

Textual Amendments

- F2** Word in Sch. 10 para. 1(1)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(2)(a)**
- F3** Words in Sch. 10 para. 1(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(2)(b)**
- F4** Words in Sch. 10 para. 1(1)(b) inserted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(2)(c)**
- F5** Sch. 10 para. 1(2) substituted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(3)**
- F6** Words in Sch. 10 para. 1(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(4)(a)**
- F7** Word in Sch. 10 para. 1(5) substituted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(4)(c)**
- F8** Words in Sch. 10 para. 1(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(4)(b)**
- F9** Words in Sch. 10 substituted (31.12.2020 immediately before S.I. 2020/1577, Pt. 2 comes into force) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/858\)](#), regs. 1, **5(3)** (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), **12(2)**)
- F10** Word in Sch. 10 para. 1(5) substituted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(4)(d)**
- F11** Sch. 10 para. 1(6) inserted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(5)**

Commencement Information

- II** Sch. 10 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PART 2

Other amendments

[^{F12}**1A.** After regulation 1 insert—

“Application

1A. These Regulations apply to—

- (a) England and Wales and Scotland; and
- (b) offshore installations in relevant waters, other than such waters within the seaward limits of the territorial sea adjacent to Northern Ireland.”.]

Textual Amendments

F12 Sch. 10 para. 1A inserted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(6)**

Commencement Information

I2 Sch. 10 para. 1A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

2. In regulation 2(2), omit the definition of “competent authority”.

Commencement Information

I3 Sch. 10 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

3.—(1) Regulation 4 is amended as follows.

(2) In paragraph (1)—

(a) before subparagraph (a) insert—

“(za) the Agency;

(zb) the appropriate authorities; and”;

(b) omit subparagraphs (b) to (d);

(c) in the words after subparagraph (d), omit “in the European Union”.

(3) In paragraph (2)(b), omit “in the European Union”.

Commencement Information

I4 Sch. 10 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

4. In regulation 7(1), omit subparagraph (b) (and the “or” preceding it).

Commencement Information

I5 Sch. 10 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

5. Omit regulation 24(2).

Commencement Information

I6 Sch. 10 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

6.—(1) Schedule 1 (Table of REACH provisions) is amended as follows.

(2) In the second column, for “European Chemicals Agency”, in each place it occurs, substitute “Agency”.

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Changes to legislation: There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 10. (See end of Document for details)

[^{F13}(2A) Omit the fifth column.

(2B) In the sixth column, omit “The Health and Safety Executive for Northern Ireland.” wherever it occurs.]

(3) In the entry relating to Article 8(2) of REACH, in the second column, for “community” substitute “[^{F14}GB]”.

(4) In the entry relating to Article 26(1) of REACH, in the second column, omit the words from “of a non-phase in” to “pre-registered.”.

(5) Omit the entry relating to Article 30(6).

(6) In the entry relating to Article 31(2) to (9), in the second column, for “the language of the Member State concerned” substitute “ English ”.

(7) Omit the entry relating to Article 31(10).

(8) In the entry relating to Article 32(2) and (3), in the second column, omit “after 1st June 2007”.

(9) In the entry relating to Article 36(1), in the second column, for “a competent” substitute “ an appropriate ”.

(10) In the entry relating to Article 37(3), omit the row (comprising the second to sixth columns) that relates to requirements providing when a manufacturer, importer or downstream user must comply with Article 14 for a phase-in substance.

(11) In the entries relating to Articles 46(2) and 49(a), in the second column, for “competent authority” substitute “ Agency ”.

Textual Amendments

F13 Sch. 10 para. 6(2A)(2B) inserted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(7)(a)**

F14 Word in Sch. 10 para. 6(3) substituted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(7)(b)**

Commencement Information

I7 Sch. 10 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

7. In Schedule 4, in paragraph 7—

(a) before subparagraph (a) insert—

“(za) the Agency;

(zb) the appropriate authorities;”;

(b) omit subparagraphs (b) to (d).

Commencement Information

I8 Sch. 10 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 10.