
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (d) and (g)) arising from the withdrawal of the United Kingdom (“UK”) from the European Union.

These Regulations amend the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/758) (the “Exit Regulations”). The Exit Regulations amend Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency.

Regulation 3 makes a minor amendment to regulation 12 of the Exit Regulations.

Regulation 4 amends Schedule 2 to the Exit Regulations, which inserts a number of transitional provisions into Regulation (EC) No 1907/2006. Regulation 4 substitutes the inserted Article 127E and inserts new Article 127EA. The substituted Article 127E applies to substances imported into the UK from anywhere in the world rather than just the European Economic Area. New Article 127EA provides for an only representative (see Article 8 of Regulation (EC) No 1907/2006) to be able to submit notifications instead of the UK user or distributor.

Regulation 5 makes minor amendments to Schedule 10 to the Exit Regulations. That Schedule amends the REACH Enforcement Regulations 2008 (S.I. 2008/2852).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) (No. 2) Regulations 2019.