
STATUTORY INSTRUMENTS

2020 No. 1577

The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020

PART 2

Amendment of the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019

Schedule 2

- 5.—(1) Schedule 2 is amended in accordance with this regulation.
- (2) For “the United Kingdom” substitute “Great Britain”, wherever it occurs.
- (3) For “UK” substitute “GB”, wherever it occurs.
- (4) In inserted Article 127B, in paragraph 4(b), for “2 year” substitute “relevant”.
- (5) In inserted Article 127E(1)—
- (a) in paragraph 2(c), for “2 year” substitute “relevant”;
- (b) in paragraph 6, after “importers” insert “, including in respect of protected NI imports.”;
- (c) in paragraph 7—
- (i) for “180” substitute “300”;
- (ii) in subparagraph (e), for “imports.” substitute “imports.”;
- (iii) after subparagraph (e), insert—
- “**(f)** if any part of the import is a protected NI import, notify the Agency of the quantity of the import that is a protected NI import.”;
- (d) in paragraph 8—
- (i) for “180” substitute “300”;
- (ii) in subparagraph (f), for “imports.” substitute “imports.”;
- (iii) after subparagraph (f), insert—
- “**(g)** if any part of the import is a protected NI import, notify the Agency of the quantity of the import that is a protected NI import.”;
- (e) in paragraph 10, after “this Regulation” insert “, or a notification is made under Article 139A.”;
- (f) in paragraph 11, after “Article 127EA” insert “and paragraph 6 of Article 127EB”.
- (6) In inserted Article 127EA(2)—
- (a) in paragraph 1, after “Article 127E)” insert “that is not a protected NI import”;
- (b) in paragraph 2—
- (i) after substitute paragraph 1, insert

(1) The inserted Article 127E is substituted by regulation 4(2) of [S.I. 2019/858](#).

(2) Article 127EA is inserted by regulation 4(3) of [S.I. 2019/858](#).

“1A. Article 36 applies to the representative.”;

(ii) in substitute paragraph 3, for “non-United Kingdom” substitute “non-Great British”.

(7) After inserted Article 127EA, insert—

“Article 127EB

Import from Northern Ireland where Article 127E applies

1. This Article applies in relation to a protected transitional import of a substance by a GB user or distributor (within the meaning of Article 127E) that is also a protected NI import.

2. A person established in Northern Ireland who manufactures a substance on its own, in mixtures or in articles, formulates a mixture, or produces an article that is imported into Great Britain may fulfil the obligations on the GB user or distributor under Article 127E (the “NI notifier”).

3. Article 36 applies to the NI notifier.

4. The NI notifier must, without prejudice to Article 36, keep available and up-to-date information on quantities imported and customers sold to, as well as information on the supply of the latest update of the safety data sheet referred to in Article 31.

5. A person who intends to act in accordance with paragraph 2 must inform the GB user or distributor that they intend to do so.

6. If the GB user or distributor is informed of the intention in accordance with paragraph 5, paragraphs 7 to 9 of Article 127E apply to the NI notifier instead of the GB user or distributor as respects any protected transitional import from the NI notifier.”

(8) In inserted Article 127L, in paragraph 3(b), for “2 year” substitute “relevant”.

(9) In inserted Article 127M, in paragraph 3(b), for “2 year” substitute “relevant”.

(10) In inserted Article 127P—

(a) after paragraph (4), insert—

“(4A) “300 day post-IP completion period” means the period of 300 days beginning with the day after that on which IP completion day falls;

(4B) “relevant post-IP completion period” means the period beginning with the day after that on which IP completion day falls and ending—

(a) two years after the end of the 300 day post-IP completion period in respect of—

(i) substances included on the candidate list by virtue of Article 59(1A),

(ii) substances classified as carcinogenic, mutagenic or toxic to reproduction, category 1A or 1B, in accordance with Regulation (EC) No 1272/2008 and manufactured in Great Britain or imported, in quantities reaching one tonne or more per year per manufacturer or importer, at least once after IP completion day,

(iii) substances classified as aquatic chronic category 1 (very toxic to aquatic life with long lasting effects) or aquatic acute category 1 (very toxic to aquatic life) in accordance with Regulation (EC) No 1272/2008 and manufactured in Great Britain or imported, in quantities reaching 100 tonnes or more per year per manufacturer or importer, at least once after IP completion day,

(iv) substances manufactured in Great Britain or imported, in quantities reaching 1,000 tonnes or more per year per manufacturer or importer, at least once after IP completion day,

- (b) four years after the end of the 300 day post-IP completion period in respect of—
 - (i) substances added to the candidate list referred to in Article 59(1), other than by virtue of Article 59(1A), before the end of the period referred to in subparagraph (a),
 - (ii) substances manufactured in Great Britain or imported, in quantities reaching 100 tonnes or more per year per manufacturer or importer, at least once after IP completion day,
 - (c) six years after the end of the 300 day post-IP completion period in respect of substances manufactured in Great Britain or imported, in quantities reaching 1 tonne or more per year per manufacturer or importer, at least once after IP completion day.”;
- (b) omit paragraph (6).