

2023 No. 722

CONSUMER PROTECTION
ENVIRONMENTAL PROTECTION
HEALTH AND SAFETY

The REACH (Amendment) Regulations 2023

Made - - - - *28th June 2023*
Coming into force - - *19th July 2023*

The Secretary of State, in exercise of the powers conferred by section 140 of, and paragraph 1 of Schedule 21 to, the Environment Act 2021(a) (“the 2021 Act”), makes the following Regulations.

In accordance with paragraphs 1, 3 and 5 of Schedule 21 to the 2021 Act and Article 4A of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)(b) (“the REACH Regulation”)—

- (a) the Secretary of State considers that the provision made by these Regulations is consistent with Article 1 of the REACH Regulation and has published an explanation of why the Secretary of State considers that to be the case;
- (b) the Scottish Ministers and the Welsh Ministers have consented to the making of these Regulations;
- (c) the Secretary of State has consulted—
 - (i) the Agency(c);
 - (ii) any person nominated by a relevant devolved authority(d) as a consultee; and
 - (iii) such other persons as the Secretary of State considers appropriate.

A draft of these Regulations has been laid before, and approved by, both Houses of Parliament in accordance with section 143(5)(b) of, and paragraph 1(7) of Schedule 21 to, the 2021 Act.

Citation, commencement, extent and application

- 1.—(1) These Regulations may be cited as the REACH (Amendment) Regulations 2023.
- (2) These Regulations come into force twenty-one days after the day on which they are made.

(a) 2021 c. 30.
(b) EUR 2006/1907, amended by S.I. 2021/904.
(c) Paragraph 7 of Schedule 21 to the 2021 Act provides that “the Agency” has the same meaning as in the REACH Regulation (see Article 2A of that Regulation).
(d) “Relevant devolved authority” is defined in paragraph 7 of Schedule 21 to the 2021 Act.

(3) These Regulations extend to the United Kingdom and apply in relation to England, Wales and Scotland.

Amendment of the REACH Regulation

2. The REACH Regulation(a) is amended in accordance with regulations 3 and 4.

Amendment of Article 41

3.—(1) Article 41 is amended as follows.

(2) In paragraph 5—

(a) for the first two subparagraphs substitute—

“The registration dossiers selected by the Agency for compliance checking must include—

(a) until 27 October 2027, not less than 20% of the registration dossiers received by the Agency for substances referred to in Article 127P(4B)(a);

(b) until 27 October 2030, not less than 20% of the registration dossiers received by the Agency for substances referred to in Article 127P(4B)(b);

(c) until 27 October 2035, not less than 20% of the registration dossiers received by the Agency for substances referred to in Article 127P(4B)(c).”;

(b) at the end, insert as a new subparagraph—

“In this paragraph, references to registration dossiers do not include the dossiers referred to in Article 127B(9).”.

Amendment of Article 127P

4.—(1) Article 127P is amended as follows.

(2) In paragraph (4B)—

(a) in the words before subparagraph (a), after “ending” insert “with”;

(b) in subparagraph (a)—

(i) in the words before point (i), for “two years after the end of the 300 day post-IP completion period” substitute “27 October 2026”;

(ii) in point (i), at the end insert “or added to the candidate list referred to in Article 59(1) on or before 31 December 2023”;

(c) in subparagraph (b)—

(i) in the words before point (i), for “four years after the end of the 300 day post-IP completion period” substitute “27 October 2028”;

(ii) in point (i), for “before the end of the period referred to in subparagraph (a)” substitute “during the period beginning with 1 January 2024 and ending with 27 October 2026”;

(d) in subparagraph (c), for “six years after the end of the 300 day post-IP completion period” substitute “27 October 2030”.

28th June 2023

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) “REACH Regulation” is defined in paragraph 7 of Schedule 21 to the 2021 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the retained version of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (“the REACH Regulation”).

Regulation 3 of these Regulations amends Article 41(5) of the REACH Regulation to extend the periods during which that Article requires the Health and Safety Executive to carry out compliance checks on minimum percentages of certain types of registration dossiers.

Regulation 4 of these Regulations amends Article 127P(4B) of the REACH Regulation to amend the definition of “relevant post-IP completion period”. The change of definition for “relevant post-IP completion period” extends the period within which information must be submitted to the Health and Safety Executive under Articles 127B, 127L and 127M. It also affects the period of time in which a “protected transitional import” can be made under Article 127E(2).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF, and is published with an Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

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