



BRIEFING PAPER

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Brexit and chemicals regulation (REACH)

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Summary

What is REACH?

REACH is the main EU legislation for the regulation of chemicals in the EU (formally the Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation). It requires substances that are manufactured or imported into the EU (in quantities of more than 1 tonne) to be registered with the European Chemicals Agency (ECHA) and provides a framework by which the use of hazardous substances can be restricted.

There are also other EU regulations relating to chemicals, this paper only covers REACH.

The UK chemical industry

The chemical industry a key manufacturing sector in the UK, accounting for 9% of total UK goods exports. Further, chemical products feed into many other manufacturing sectors. Trade in chemicals is highly intertwined with the EU; 60% of chemical exports in 2017 went to EU Member states, and 75% of chemical imports came from the EU. Supply chains in manufacturing sectors are complex, with chemical substances often crossing the channel several times. The chemicals industry employs 88,000 people in Great Britain.

UK companies hold over 12,000 [REACH registrations](#) (13% of total). This includes 5721 substances (26%) and 1765 companies (12%).

Brexit implications and challenges

REACH is an example of directly applicable EU legislation that is not straightforward to copy across into UK law. This is because the regulation relies on the ECHA and is closely tied to the single market.

Brexit will have an impact on the chemical industry driven by changing regulatory requirements and other trade barriers, such as tariffs. The UK and EU chemical industries [both want a trade deal](#) that ensures frictionless trade and regulatory consistency between the UK and EU, pointing to the complex supply chains that exist in manufacturing sectors. This paper focuses on REACH as one example of a regulatory trade barrier.

Seeking associate membership of the ECHA

The UK Government proposes to seek an agreement with the EU on a form of associate membership of the ECHA such that REACH registrations remain valid in both the EU and UK markets. This forms part of the Government's broader proposals for a "future economic partnership" with frictionless trade in goods, which is still being negotiated with the EU.

No deal scenario

If there is no deal reached with the EU on some form of associate membership of the ECHA the UK would become a third party to REACH. This means that UK REACH registrations would no longer be valid (in the absence of an agreement otherwise). Two broad issues arise for a no deal scenario:

1 Exporting chemicals to the EU market:

Broadly speaking, to preserve EEA market access UK companies would need to transfer their registrations to an EEA-based entity, or alternatively the obligation for compliance falls to the importer. Industry stakeholders warn of significant disruptions to supply chains in manufacturing sectors in the absence of a deal.

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2 Regulating chemicals in the UK:

The Government has said that it would develop its own version of REACH, referred to as "UK REACH". The Health and Safety Executive (HSE) would be the lead regulatory authority and the Government is working on an IT database for a UK registration system. Registrations are expected to be "grandfathered" from the EU to UK system, with companies given 2 years to provide a full data package. For more detail, see the Government's technical notice: [Regulating chemicals \(REACH\) if there's no Brexit deal](#).

The House of Lords [EU Energy and Environment Sub-Committee](#) and [chemical industry stakeholders](#) have expressed concerns that some companies may have difficulty providing a full data package within the 2 year period.

1. What is REACH?

REACH is the main EU legislation for the regulation of chemicals in the EU (formally the Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation, No [1907/2006](#)). There is also specific EU legislation for certain types of chemicals (such as biocides and cosmetics) and for the labelling and packaging of chemicals.¹ This paper only covers REACH.

In short, REACH requires substances that are manufactured in, or imported into, the EU to be registered with the European Chemicals Agency (ECHA), along with safety information about the chemical and its uses.² It then provides a system for controlling or restricting the use of hazardous substances in the EU (see section 1.2).

REACH has several aims, including:

- to protect human health and the environment from the risks that can be posed by chemicals;
- to place responsibility onto industry (manufacturers and importers of chemicals) for understanding and managing the risks associated with the use of chemicals;
- to allow free movement of chemicals and substances in the EU market, while also enhancing innovation and competitiveness in industry;
- to minimise animal testing by promoting the use of alternative methods of safety assessment and by facilitating data sharing of testing results.³

REACH is managed by the [European Chemicals Agency](#) (ECHA), based in Helsinki. The [Health and Safety Executive](#) (HSE) is the enforcing authority in the UK, and the Department of Environment, Food and Rural Affairs (Defra) is the lead Government department with overall policy responsibility across the UK.

How were chemicals regulated before REACH?

[REACH](#) came into force in June 2007. Prior to REACH, chemicals regulation across the EU was a patchwork of different regulations with different rules for “new” and “existing” chemicals.⁴ REACH was developed to have a single system of rules for all chemicals across the EU. Significantly, REACH placed the burden of undertaking risk assessments for substances onto industry, rather than on public bodies.⁵

¹ More information can be found in the Library briefing paper on [Chemicals Regulation](#) (last update August 2016).

² In quantities of more than 1 tonne and there are some specific exclusions, for example, radioactive substances and some naturally occurring low-hazard substances. See: HSE, [What is REACH?](#) [accessed 31 July 2018]

³ Health and Safety Executive, [What is REACH?](#) [accessed 22 August 2018]

⁴ European Commission, [REACH in brief](#), February 2007.

⁵ European Commission, [REACH in brief](#), February 2007.

At the time it was introduced, the chemical industry was concerned about the cost of compliance that REACH would introduce.⁶ However, 10 years on, having invested significantly in compliance with REACH, most chemical industry organisations are calling for the UK to remain aligned with REACH following Brexit, arguing, amongst other things, that REACH is becoming an international standard and that compliance with REACH is necessary to facilitate trade across the UK-EU border.⁷

Some people have argued for less regulation after Brexit, for example the think tank the [Institute of Economic Affairs](#), considers that REACH anticompetitive and expressed concern that it may become a global standard.⁸ A European Commission [report](#) from October 2016 considered the impact of REACH on international competitiveness of the EU industry in comparison to regulations in China, Japan, the USA, Canada, and South Korea.⁹

1.1 Why is REACH significant?

The chemical industry is an important manufacturing industry in the UK (see Section 2) and chemical substances also feed into the supply chains of many other manufacturing sectors. More than 21,000 substances are registered under REACH.¹⁰ This includes substances that are used in key UK manufacturing sectors, such as the pharmaceutical, aerospace and automotive sectors, as well substances used in the manufacture of everyday products such as cleaning fluids, paints, plastics, clothes, fabrics and electronics.

UK companies hold 12,393 REACH registrations (13% of total). This includes 5721 substances (26%) and 1765 companies (12%).¹¹

Trade in chemicals is highly integrated with the rest of the EU, and complex supply chains mean that products often cross the UK-EU border multiple times. For more information, see Section 2.3 and the Library briefing paper on the [Importance of trade with the EU for UK industries](#) (CBP8065, 1 August 2017).¹²

In addition to its importance to facilitate frictionless trade, REACH also regulates the safe use of chemicals to minimise harm to human health and the environment by providing a framework under which the use of harmful substances can be restricted.¹³ Additionally, REACH plays a role in keeping animal testing to a minimum, by requiring that animal

⁶ Letter from Steve Elliot, Chief Executive of Chemical Industries Association to Secretary of State for Defra, Michael Gove, [UK Chemicals: REACH and Brexit](#), 7 December 2017.

⁷ Chemical Industries Association (CIA), [Making Brexit Work for the Chemical Industry](#), February 2018.

⁸ Institute of Economic Affairs, [PLAN A+ Creating a prosperous post-Brexit U.K.](#), 24 September 2018.

⁹ European Commission, [Impacts of REACH and corresponding legislation governing the conditions for marketing and use of chemicals in different countries/regions on international competitiveness of EU industry](#), October 2016.

¹⁰ European Chemicals Agency, [REACH registration results](#), accessed 23 August 2018]

¹¹ ECHA, [REACH registration statistics](#), accessed 26 October 2018.

¹² Commons Library briefing paper, [Importance of trade with the EU for UK industries](#), CBP8065, 1 August 2017, Section 2.2.

¹³ ECHA, [Understanding REACH](#), [accessed 11 September 2018].

testing can only be used to meet registration requirements as a last resort.¹⁴

1.2 How does REACH work?

Registration

Companies are required to register substances that they manufacture or import into the EU (in quantities of more than 1 tonne) and to provide information about the properties, hazards and risk management measures associated with the use of that substance.¹⁵ Companies are required to demonstrate that how the substance can be safely used, and they must communicate the risk management measures to the users of the substance. Although REACH came into force in 2007, there was a staged process for requiring companies to register, and the final deadline for registering substances was 31 May 2018.¹⁶

In principle, each substance only requires one registration, so companies work together to develop joint registrations.¹⁷ REACH registrations are complex, expensive and can take months to produce; they often involve several companies contributing different information.¹⁸ The REACH database is therefore a valuable resource for information about chemicals and their safety.

Evaluation, authorisation and restriction

REACH provides a framework for restricting the use of or banning hazardous chemicals if risks cannot be managed. Substances can be banned if their risks are unmanageable and specific uses can be banned or subject to prior authorisation.¹⁹

National authorities (the HSE in the UK) identify and evaluate substances for which regulatory action should be prioritised. Final regulatory decisions are taken by the European Commission, informed by ECHA scientific committees (such as the ECHA Committee for Risk Assessment) with input from each Member State.²⁰

1.3 Where does it apply?

REACH applies to all European Economic Area (EEA) Member States but does not apply outside the EEA. Switzerland²¹ and Turkey²² (where REACH does not apply) have enacted legislation that mirrors REACH, but is developed and implemented in an autonomous manner. The

¹⁴ European Chemicals Agency, [How to avoid unnecessary testing on animals](#), accessed 20 September 2018.

¹⁵ ECHA, [Understanding REACH](#), [accessed 11 September 2018].

¹⁶ HSE, [The Registration Process](#) [accessed 21 September 2018]

¹⁷ ECHA, [Registration](#) [accessed 11 September 2018].

¹⁸ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 27 June 2018.

¹⁹ ECHA, [Understanding REACH](#), [accessed 11 September 2018]; HSE, [Other REACH Processes](#), [accessed 11 September 2018].

²⁰ ECHA, [Committee for Risk Assessment](#), [accessed 31 July 2018].

²¹ Swiss Common Notification Authority for Chemicals Website, [Chemicals Legislation and Guidelines](#), [accessed 7 November 2017].

²² Chemical Watch, [Turkey publishes law modelled on REACH](#), 29 June 2017.

European Commission and chemical industry stakeholders say that REACH is becoming a global standard for chemicals regulation.²³

The ECHA has “cooperation agreements” with regulatory agencies in Australia, Canada, Japan and the USA, which support exchanging information and knowledge regarding the management of chemicals.²⁴

How do non-EEA companies trade chemicals with the EU?

Only companies in EEA Member States can register substances directly with the ECHA.

Companies in non-EEA Member States that wish to trade chemicals with the EU have the option to nominate an ‘only representative’ agent registered in an EU Member State to take over the responsibility of complying with REACH on their behalf.²⁵ Alternatively, the obligation for compliance with REACH will fall to the importer of the substance.

1.4 Challenges posed by Brexit

Impact on Industry

Following the referendum many chemical industry groups raised concerns about the impact of Brexit on the industry driven by tariffs and regulatory changes (non-tariff barriers).²⁶ Both the UK and EU chemical industry trade groups have been clear in wanting the UK to remain as closely aligned to REACH as possible to reduce trade barriers,²⁷ as have trade groups in other manufacturing sectors such as aerospace and defence.²⁸ The Chemical Industries Association said in February 2018 that the most important aspect in any Brexit scenario is to facilitate frictionless trade, in terms of both tariff and non-tariff barriers (such as regulation):

The most important aspect of any new deal for the sector is frictionless trade. With most of our products going to or coming from the EU the imposition of tariffs and related non-tariff barriers will negatively impact trade in both directions. The manufacturing supply chains are well established, with materials crossing the channel four or five times for some complex products. Even minimal tariffs, when combined with the related bureaucracy and need for documents to precede goods at borders are likely to mean that companies will re-evaluate their manufacturing strategies.²⁹

²³ Chemical Industries Association (CIA), [Making Brexit Work for the Chemical Industry](#), February 2018; European Commission, [Ten years of REACH: making chemicals safer for consumers, workers and the environment](#), 5 March 2018.

²⁴ European Chemicals Agency, [Cooperation with peer regulatory agencies](#), [accessed 7 November 2017].

²⁵ European Chemicals Agency, [Only Representative](#), [accessed 7 November 2017].

²⁶ European Chemical Industry Council and UK Chemical Industry Association [European Chemical Industry Joint Statement on Brexit and the Future](#), 27 November 2017.

²⁷ For example: Letter from Steve Elliot, Chief Executive of Chemical Industries Association to Secretary of State for Defra, Michael Gove, [UK Chemicals: REACH and Brexit](#), 7 December 2017

²⁸ [Letter from Paul Everitt, Chief Executive of ADS Group](#) (Aerospace, Defence, Security, Space), to Rachel Reeves MP, Chair of Business, Energy and Industrial Strategy Committee, 1 December 2017.

²⁹ Squire Patton Boggs for the Chemicals Industry Association, [Making Brexit work for the chemicals industry](#), February 2018.

How much has been spent on REACH registrations?

Industry groups are concerned about the cost to companies of having to comply with two regulatory systems, should the UK no longer be part of REACH after Brexit.³⁰ The Chief Executive of the Chemicals Industry Association explained that a no deal scenario where registrations are no longer recognised under REACH would “seriously bring into question 10 years of investment”.³¹

The House of Commons Environmental Audit Committee (EAC) in its report on the [Future of Chemicals Regulation after the EU Referendum](#), stated that UK companies will have spent an estimated £250 million on REACH registrations by 31 May 2018 (the deadline for registering chemicals under REACH, see Section 1.2).³² However, following the report, the Government said it could not provide an estimate of the cost spent by UK companies on REACH registrations because the fee structure of REACH involves several factors:

We are unable to provide information on the costs of registrations as the fee structure for registration depends on a number of different factors. For example, the fee structure for registration is determined by both the size of the registrant company and the tonnage band of registration. We do not have access to the data to analyse the registrations further to be able to assign costs.³³

Legislating for Brexit: European Union (Withdrawal) Act 2018

REACH is an example of directly applicable EU legislation that is currently enforced in the UK but is closely intertwined with membership of the ECHA and the single market.

The *European Union (Withdrawal) Act 2018* provides a framework to copy over EU law to the UK’s post-exit statute book, however, for REACH this is not straightforward. The House of Commons Environmental Audit Committee (EAC) warned in April 2017 that the chemicals regulation framework established through REACH “would be difficult to transpose directly into UK law” because much of REACH relates to “Member State co-operation and mutual obligations, oversight and controls, and freedom of movement of products”.³⁴

Opposition member and chair of EAC, Mary Creagh, proposed a New Clause during the Committee stage of the *European Union (Withdrawal) Bill*, which would have required the Secretary of State to

³⁰ Chemical Business Association, [Brexit Policy Position Paper as of September 2017](#), accessed 11 September 2018; Squire Patton Boggs for the Chemicals Industry Association, [Making Brexit work for the chemicals industry](#), February 2018.

³¹ Letter from Steve Elliot, Chief Executive of Chemical Industries Association to Secretary of State for Defra, Michael Gove, [UK Chemicals: REACH and Brexit](#), 7 December 2017.

³² Environmental Audit Committee, [Future of Chemicals Regulation after the EU Referendum](#), HC 912, 2016-17, para 7, 29 April 2017. This estimate was calculated by a specialist adviser to the Committee inquiry and the underlying data used is not publicly available.

³³ [PO 117516 \[on Chemicals: EU Action\], 11 December 2017](#).

³⁴ Environmental Audit Committee, [Future of Chemicals Regulation after the EU Referendum](#), HC 912, 2016-17, para 5, 29 April 2017.

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take all reasonable steps to ensure the UK's continued participation in REACH.³⁵

New Clause 61 was selected for debate on 20 December 2017. After highlighting the value of the UK chemicals market and the importance of the REACH regime, Mary Creagh argued that New Clause 61 was required because the REACH regulation cannot be easily transposed into UK law since it relies on data sharing and cooperation, as well as the institutional framework which is currently carried out at a EU level.³⁶ New Clause 61 did not pass.³⁷

The subject of REACH was also raised in earlier Committee Stage debates during discussions of wider environmental amendments.^{38 39} Mary Creagh pressed the Government about the absence of a regulatory body in UK with the functions of the European Chemicals Agency (ECHA) and highlighted the high cost that establishing new regulatory institutions would involve.⁴⁰

The Government responded to these points stating that the substantive law of REACH would be copied into UK law and that new regulatory institutions would be established, including consulting "*on a new independent statutory body to hold the Government to account for upholding environmental standards*".⁴¹

Defra's Deputy Director for chemicals, pesticides and hazardous waste, Gabrielle Edwards, told the Lords EU Energy and Environment Sub-Committee in July 2018 that the Government was working on a "large and detailed" statutory instrument to deal with the "complex inoperabilities" that arise when transposing REACH into UK law in a no deal scenario – see Section 3.2 for more information.

³⁵ House of Commons, [Notice of amendments up to and including 20 December 2017](#), Committee of the Whole House, European Union (Withdrawal) Bill.

³⁶ HC Deb, [European Union \(Withdrawal\) Bill, 20 December 2017](#), c1195.

³⁷ New Clause 61 was grouped with New Clause 13 and was not pushed for a separate division. HC Deb, [European Union \(Withdrawal\) Bill, 20 December 2017](#), c1215-1217.

³⁸ HC Deb, [European Union \(Withdrawal\) Bill, 15 November 2017](#), c449.

³⁹ HC Deb, [European Union \(Withdrawal\) Bill, 12 December 2017](#), c260.

⁴⁰ HC Deb, [European Union \(Withdrawal\) Bill, 15 November 2017](#), c520.

⁴¹ HC Deb, [European Union \(Withdrawal\) Bill, 15 November 2017](#), c500–501.

2. Chemical industry in the UK

2.1 Summary

The following table summarises the economic contribution of the chemical manufacturing industry in the UK.⁴²

Chemicals manufacturing industry		
UK, 2017		
		% of UK
Economic output	£12.7 billion	0.7%
Employment	88,000	0.3%
Businesses	2,735	0.1%
Exports*	£30.0 billion	8.8%
Imports*	£32.6 billion	6.5%

Sources: ONS, GDP Low level aggregates; Business Register & Employment Survey; Business counts; HMRC, UKTradeInfo
 Note: Economic output is Gross Value Added; Employment is for Great Britain and 2016; *Trade is goods only
 Industry defined as SIC code 20; SITC product code 5, excluding 54 (pharm)

In 2017 the industry contributed £12.7 billion to the UK economy, 0.7% of total economic output (in terms of Gross Value Added, GVA). This was 7% of economic output from the manufacturing sector.⁴³

Exports of chemical products (excluding pharmaceutical products) totalled £30 billion, which was 9% of UK goods exports by value.⁴⁴ Chemical products imports totalled £33 billion, 7% of goods imports by value.

There were 2,700 business in the sector, 0.1% of all businesses in the UK and 2% of manufacturing businesses. The majority of these businesses are small and medium sized enterprises, with 0-250 people.⁴⁵

Employment in the chemical manufacturing industry in 2016 in Great Britain was 88,000; 0.3% of total employment and 4% of manufacturing employment.⁴⁶

The [Chemical Industry Association](#) (which represents the chemical and pharmaceutical companies) point to the importance of the chemical industry's products to other sectors and products through its position at the "head of the supply chains" within manufacturing.⁴⁷

⁴² Industry defined as [Standard Industrial Classification \(SIC\) code 20](#): the transformation of organic and inorganic raw materials by a chemical process and the formation of products.

⁴³ Gross Value Added (GVA): ONS, [GDP Low Level Aggregates Tables](#), August 2018

⁴⁴ HMRC, [UK Trade Info database](#), SITC code 5 (chemical and related products), excluding SITC code 54 (pharmaceutical products)

⁴⁵ ONS, [Business counts](#), 2017, via Nomis database

⁴⁶ Great Britain, 2016 data: ONS, [Business register and employment survey](#), 2017, via Nomis database

⁴⁷ Chemical Industry Association, [CIA responds to release of Government guidance on how to prepare for 'no-deal' Brexit](#), 23 August 2018, accessed 24 September 2018.

2.2 Chemical products trade

The following table gives more details on the chemical products trade in the UK.

Trade in chemical products, UK, 2017					
	£ billions			%	
	EU	Non-EU	Total	EU	Non-EU
Exports	18.3	11.6	30.0	61%	39%
Imports	23.8	8.7	32.6	73%	27%

Source: HMRC, UK Trade Info Data base
Product code 5 (chemicals and related products) excluding 54(pharmaceutical products)

Of the £30.0 billion of chemical products exported from the UK in 2017, 61% were exported to other EU countries, and 39% were exported to non-EU countries.

Of the £32.6 billion of chemical goods imported to the UK in 2017, 73% came from other EU countries, and 27% came from non-EU countries.

[House of Commons Library analysis](#) conducted in August 2017 (using 2013 data that are not comparable to the data used above) found that:

- 42% of the revenue of the UK chemical industry derived from EU exports (the highest of all manufacturing sectors) and
- 29% of total non-staff production costs in the UK chemical industry derived from EU imports (second highest of after pharmaceuticals).⁴⁸

These factors demonstrate that trade in chemicals is highly intertwined with the EU.

The biggest customers of the UK chemicals sector are the chemical and pharmaceutical manufacturing sectors themselves.⁴⁹ The UK has a particular competitive advantage for high-value speciality chemicals due to its strong research and development base.⁵⁰

2.3 Employment by region

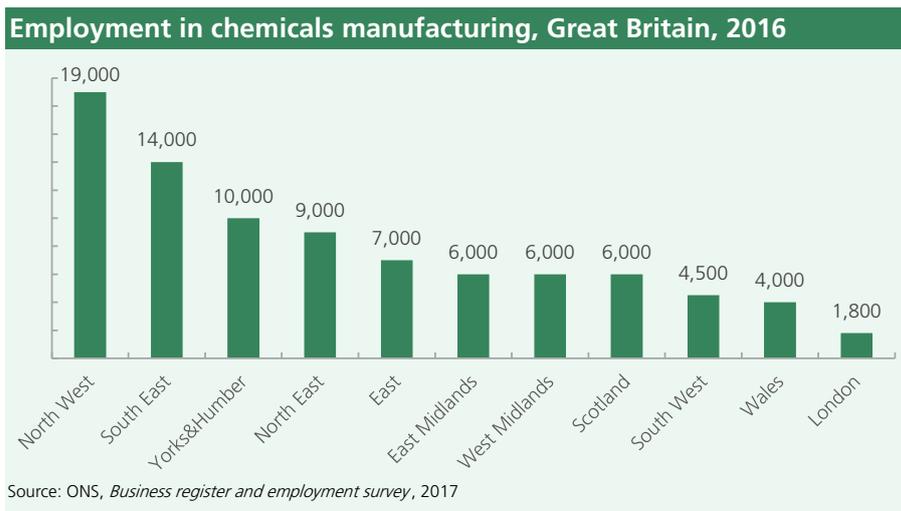
Employment in the chemical manufacturing industry in Great Britain totalled 88,000 in 2016. Chemical manufacturing employment in the North West of England was 19,000 or 22% of the Great Britain total. The North West, the South East and Yorkshire and Humberside combined accounted for 49% of chemical manufacturing employment in Great Britain.

The following chart shows employment in the chemical manufacturing industry in the regions and countries of Great Britain.

⁴⁸ House of Commons Library, [Importance of trade with the EU for UK industries CBP8065](#), 1 August 2017.

⁴⁹ House of Commons Exiting the European Union Committee, written evidence, [Chemicals Sector Report](#), 21 December 2017, para 18.

⁵⁰ House of Commons Exiting the European Union Committee, written evidence, [Chemicals Sector Report](#), 21 December 2017, para 6(b)(i).



3. Associate membership of the ECHA?

3.1 Government's position

The Government's preferred approach to chemicals regulation after Brexit is to seek an agreement with the EU on a form of associate membership of the ECHA. This position was first expressed by the Prime Minister in her Mansion House speech in March 2018 and elaborated on in the July 2018 White Paper on the future relationship between the UK and the EU (the Chequers proposals).⁵¹

The White Paper proposes that the UK seeks "active participation" in EU agencies in heavily regulated sectors such as medicines (European Medicines Agency), aviation (European Aviation Safety Agency) and chemicals (ECHA). It proposes that UK regulators can continue to contribute expertise to ECHA committees but accepts that the UK will not have voting rights.⁵² The Government also accepts that the UK would make an "appropriate financial contribution".⁵³

With respect to REACH registrations, the White Paper envisages a situation where UK businesses could continue to register chemicals directly with the ECHA:⁵⁴

the UK is seeking participation in these EU agencies, as an active participant, albeit without voting rights, which would involve making an appropriate financial contribution. The UK would want to secure access to relevant IT systems, ensuring the timely transfer of data between UK and EU authorities.

In addition, it would seek:

[...]

b. for ECHA, ensuring UK businesses could continue to register chemical substances directly, rather than working through an EU-based representative;⁵⁵

Associate membership of the ECHA forms part of the Government's proposals for a "future economic partnership", which also includes proposals for a Facilitated Customs Agreement (to remove customs and border checks between the UK and EU), no tariffs on goods, and a "common rulebook" for manufactured goods, including chemicals. Under a common rulebook the UK would commit to ongoing harmonisation with those EU rules "necessary to provide for frictionless trade at the border". This would encompass rules relating to REACH, as

The Government proposes to seek a form of associate membership of the ECHA as part of proposals to facilitate free trade in goods.

⁵¹ Prime Minister's Office, [PM speech on our future economic partnership with the European Union](#), 2 March 2018.

⁵² HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3, para 27.

⁵³ HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3, para 30-31.

⁵⁴ HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3, para 28, 30-31

⁵⁵ HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3, para 30-31

they relate to placing manufactured goods on the market.⁵⁶ Taken together the Government argues its proposals on a future economic partnership would facilitate frictionless trade in goods.⁵⁷

A more detailed analysis of the White Paper proposals and their implications for REACH can be found in a briefing paper produced by law firm Clifford Chance: [REACH and the Chemicals Regime in the UK after Brexit](#), 24 July 2018.

More detail and commentary on the July 2018 White Paper in general can be found in the following Library papers:

- Lords Library briefing paper: [Brexit Preparations and Negotiations](#), 18 July 2018.
- Commons Library briefing paper: [The Brexit White Paper on future relations and alternative proposals](#), 28 August 2018.

A transition period?

If a deal is reached on the withdrawal agreement it is expected that there would be a transition (or implementation) period of around 21 months as per the draft withdrawal agreement agreed in March 2018.⁵⁸ The transition period will only apply if a final withdrawal agreement is reached. For background information, see the Library briefing paper: [Brexit: the draft withdrawal agreement](#), CBP8269, 26 March 2018.

In terms of what a transition period would mean for REACH, Defra's Deputy Director for Chemicals, Pesticides and Hazardous Waste, Gabrielle Edwards, explained in oral evidence to the Lords EU Energy and Environment Sub-Committee in July 2018 that the Government expected that registrations in place before 29 March 2019 would continue to be valid in the transition period.⁵⁹ She said that the Government expected that the UK would be able to attend, but not vote, in ECHA committees meetings relevant to UK interests, and that the HSE would no longer undertake technical assessments for the ECHA:

The expectation is that companies would continue to submit registrations and dossiers to ECHA through the implementation period, and that existing registrations would remain valid through that period, so there would be no change for industries in registration.

There are then issues about what happens with the business of continuing to assess chemicals and taking regulatory decisions. There is a question about whether UK experts would still be able to attend the expert committees in ECHA. Our expectation is that when there is a UK interest they would, but clearly those details still need to be finalised. But when it comes to taking regulatory

⁵⁶ HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3, para 25.

⁵⁷ HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3.

⁵⁸ European Commission, [Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 19 March 2018, Part 3 (goods placed on the market), and Article 123 regarding institutional arrangements.

⁵⁹ HM Government, [The Future Relationship between the United Kingdom and the European Union](#), 12 July 2018, Cm 9593, section 1.2.3, para 30-31

decisions, votes in REACH committee for example, the UK would not have a vote.

As the Minister was saying, there is a separate issue on the question of lead authorities, where HSE is the regulator, or the EA for some substances. They do a lot of technical assessment, which then goes into the ECHA processes—for example, to consider possible restrictions on substances. Once we have left the EU in March, we will not be able to play that role. That is specific in the Withdrawal Agreement as it stands at the moment.⁶⁰

Responses to the White Paper

Many UK and EU industry stakeholders have welcomed the Government's proposals in the White Paper,⁶¹ having campaigned for continued or close participation in REACH.⁶² In July 2018, Steve Elliot, Chief Executive of the Chemical Industries Association, said that the Government's White Paper responded "positively" to the industry's concerns:

The White Paper responds positively to those concerns. I hope this is received favourably in Brussels and member state capitals so we can move quickly to negotiate a future that secured and builds jobs and growth. As an industry, we are ready to support that in whatever way we can.

Although it has taken some time to get here, we strongly believe that the proposal outlined by the government, whilst not perfect, is a sensible and workable approach that will deliver the independence that the referendum result demanded with an ongoing, viable and productive common market across Europe.⁶³

Libby Peak, Policy Analyst at Green Alliance, writing for UK in a Changing Europe wrote that continued participation in REACH after Brexit was "one thing most people can agree on", referring to calls from environmental groups, health charities, animal rights campaigners and industry.⁶⁴ She argues that the White Paper is an "improvement" but that there is "still a way to go before we know the EU will allow UK participation on the terms it wants", particularly regarding an agreement on the jurisdiction of the European Court of Justice.⁶⁵

⁶⁰ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q15

⁶¹ Chemical Industry Association, [Making Brexit Happen](#), 11 July 2018, accessed 7 September 2018; Cefic, [Cefic welcomes proposal from UK Government](#), 12 July 2018, accessed 7 September 2018.

⁶² For example: Chemical Business Association (CBA), [Growing Concerns On EU Market Access Post-Brexit](#), 27 April 2018; Letter from Steve Elliot, Chief Executive of Chemical Industries Association to Secretary of State for Defra, Michael Gove, [UK Chemicals: REACH and Brexit](#), 7 December 2017; Cefic, [Cefic issues recommendations for post-Brexit chemicals regulatory cooperation](#), 12 June 2018.

⁶³ Chemical Industry Association, [Making Brexit Happen](#), 11 July 2018, accessed 7 September 2018

⁶⁴ Libby Peak, Green Alliance, The UK in a Changing Europe, [Chemical safety: the one thing most people can agree on when it comes to Brexit](#), 1 August 2018, accessed 7 September 2018

⁶⁵ Libby Peak, Green Alliance, The UK in a Changing Europe, [Chemical safety: the one thing most people can agree on when it comes to Brexit](#), 1 August 2018, accessed 7 September 2018.

A different opinion was expressed by the Institute of Economic Affairs, who in their September 2018 [“Plan A+” proposals](#) call for a divergence from REACH, arguing that the regulation is anticompetitive.⁶⁶

Law firm Clifford Chance highlighted that “much detail” would need to be filled in any future agreement on REACH between the UK and EU.⁶⁷

3.2 EU position

The proposal put forward in the White Paper is subject to agreement and negotiation with the EU.⁶⁸ There is no precedent for third country (non-EEA) participation in the ECHA or REACH (see Section 1.3).

The European Chemical Industry Council reported in June 2018 that members of the European Commission’s “Brexit taskforce”, when asked about associate membership, responded that the ECHA was “part and parcel of the Single Market” and advised industry to prepare for “all eventualities”, including a no deal scenario.⁶⁹

⁶⁶ Institute of Economic Affairs, [PLAN A+ Creating a prosperous post-Brexit U.K.](#), 24 September 2018.

⁶⁷ Clifford Chance: [REACH and the Chemicals Regime in the UK after Brexit](#), 24 July 2018, accessed 20 September 2018.

⁶⁸ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q14.

⁶⁹ European Chemical Industry Council (Cefic), [Question and answer with Michel Barnier’s team, the Brexit taskforce](#), 12 June 2018.

4. What if there's no deal?

If there is no agreement reached with the EU on some form of associate membership of the ECHA, the UK would become a third party to REACH.⁷⁰

The timing would depend on any transition agreement. For example, without an agreed transition period as part of a withdrawal agreement, then the UK would become a third party to REACH on 29 March 2019 (see Section 3.1). The UK may also become a third party to REACH at the end of any agreed transition period, if the final agreement on the future relationship with the EU does not include some form of participation in the ECHA and REACH.⁷¹

Two broad issues arise if the UK is no longer part of REACH:

- 1 How UK companies will be able to export chemicals to the EU if registrations are invalid in the EU market.
- 2 How chemicals will be regulated in the UK without REACH in place (i.e. manufacturing, importing and placing chemicals on the market).

4.1 Exporting to the EU market

To export chemicals to the EU, UK companies would still need to comply with REACH (and any other relevant regulations) and, in the absence of a preferential trade agreement, pay a tariff. This section considers REACH as an example of a regulatory trade barrier. More information about the potential impact of tariffs on the chemical industry after Brexit can be found in the House of Lords EU External Affairs Sub-Committee report, *Brexit: trade in goods*, [HL 129](#), 14 March 2017; and the [Government's response](#), 30 October 2017.

If the UK becomes a third party to REACH, UK REACH registrations would become invalid; only companies in EEA Member States can register directly with the ECHA.⁷² The Government's "[no deal](#)" [Technical Notice on REACH](#) accepts this position and acknowledges that UK companies would have to take action to preserve EEA market access:

Companies registered with REACH would no longer be able to sell into the EEA market without transferring their registrations to an EEA-based organisation. Companies would therefore need to take action to preserve their EEA market access.⁷³

Broadly speaking, to preserve EEA market access UK companies would need to transfer the registrations to an EEA-based entity, which may be an affiliate/subsidiary company or an "[only representative](#)" (OR) agent. Alternatively, the obligation for compliance with REACH would fall to

If the UK becomes a third party to REACH, UK REACH registrations would become invalid.

UK companies would have to take action to preserve their EEA market

⁷⁰ European Chemicals Agency, [UKs withdrawal from the EU](#), [accessed 22 August 2018].

⁷¹ For more information about potential 'no deal' scenarios, see the Library briefing paper: [What if there's no Brexit deal](#) (CBP8397), 12 October 2018.

⁷² European Chemicals Agency, [UKs withdrawal from the EU](#), [accessed 22 August 2018].

⁷³ Defra, [Regulating chemicals \(REACH\) if there's no Brexit deal](#), 24 September 2018.

the importer of the substance (i.e. UK chemical companies' customers). The available options depend on whether the UK company is a manufacturer or an importer, amongst other factors. Complexities in the REACH registration requirements mean that in some circumstances it is not straightforward to transfer registrations in advance. The ECHA has published [advice for companies](#) in the form of Q&As on its website, however some practical details remain to be clarified.⁷⁴ The UK Chemical Industry Association and European Chemical Industry Council published a [briefing note for companies](#) on 5 October 2018 that provides more information.

The Chemical Business Association warned in April 2018 that a significant number of their member companies were planning to, or had already, created subsidiaries in other EU member states to ensure compliance and access to the EU market.⁷⁵ Law firm Clifford Chance raise the point that EU-27 companies may find it easier (and less costly) to source products from an alternative supplier if UK registrations they rely on become invalid.⁷⁶

The National Audit Office (NAO) in 12 September 2018 stated that the chemical industry "*could be seriously damaged if a negotiated settlement is not reached*" and described the potential disruption to the UK chemical sector in the absence of a deal as being a risk that Defra cannot address on its own, due to the need for UK companies exporting to the EU to continue to comply with the EU system.⁷⁷

Industry representatives from both chemical industries and industries that use chemicals have raised concerns about the potential impact on trade if UK REACH registrations become invalid in a no deal scenario, pointing to the complex supply chains that exist in the chemicals sector and key manufacturing sectors that rely on chemicals.^{78 79 80}

4.2 Regulating chemicals in the UK

The Government has said that in the absence of an agreement with the EU on associate membership of the ECHA the UK would set up its own system for regulating chemicals in the UK – a "UK REACH".⁸¹

⁷⁴ European Chemicals Agency, [Advice for companies / Q&A](#), accessed 25 October 2018.

⁷⁵ Chemical Business Association (CBA), [Growing Concerns On EU Market Access Post-Brexit](#), 27 April 2018.

⁷⁶ Clifford Chance, [REACH and the Chemicals Regime in the UK after Brexit](#), 24 July 2018. See also comments from the Chemical Business Association: [Growing Concerns On EU Market Access Post-Brexit](#), 27 April 2018.

⁷⁷ National Audit Office, [Department for Environment, Food and Rural Affairs, Progress in Implementing EU Exit](#), HC1498, 12 September 2018, para 16 and 19.

⁷⁸ Chemical Industries Association (CIA), European Chemical Industries Association (Cefic), [European Chemical Industry Joint Statement on Brexit and the Future](#), November 2017.

⁷⁹ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 27 June 2018, Q9.

⁸⁰ [Letter from Paul Everitt, Chief Executive of ADS Group](#) (Aerospace, Defence, Security, Space), to Rachel Reeves MP, Chair of Business, Energy and Industrial Strategy Committee, 1 December 2017.

⁸¹ Defra, [Regulating chemicals \(REACH\) if there's no Brexit deal](#), 24 September 2018.

Two of the main challenges to setting up a UK REACH include:

- establishing a regulatory authority in the UK to perform the functions currently carried out by the ECHA; and
- setting up a UK database of registered substances, in effect replicating the ECHA system.

Each point is addressed in more detail below.

Secondary legislation

The Government intends to bring secondary legislation under the *EU (Withdrawal) Act 2018* to establish a UK regulatory framework that would “*preserve REACH as far as possible while making technical changes that would need to be made because the UK has left the EU*”.⁸²

Defra’s Deputy Director for chemicals, pesticides and hazardous waste, Gabrielle Edwards, told the Lords EU Energy and Environment Sub-Committee in July 2018 that the Government was working on a “large and detailed” statutory instrument to deal with the “complex inoperabilities” that arise when transposing REACH into UK law. The SI is intended to address a no deal situation and create a framework for a “UK REACH”.⁸³ The legislation is expected to be finalised in the autumn and laid in Parliament “later this year [2018]”.⁸⁴

Any such UK-wide framework would require the consent of the devolved Administrations.⁸⁵ In July 2018, Defra Minister Dr Thérèse Coffey, told the Lords EU Energy and Environment Sub-Committee that this had not yet been formally agreed.⁸⁶ In June 2018 the Scottish Government stated that “*regulation of chemicals is an area where the adoption of a UK-wide approach, within devolved responsibilities would be desirable*”.⁸⁷

A UK regulatory authority

The Government’s [no deal technical notice](#) confirms that the Health and Safety Executive (HSE) would act as the lead UK regulatory authority, “from the day the UK leaves the EU, building on its existing capacity and capability”.⁸⁸

When asked by the Lords EU Energy and Environment Sub-Committee in July 2018 whether the HSE had capacity to take on these additional functions, Defra official Gabrielle Edwards explained that there had

Defra is working on a “large and detailed” statutory instrument to create a UK REACH in the event of a no deal scenario. It is expected “later this year” (2018).

The HSE would be the lead regulatory authority for chemicals in the UK.

⁸² Defra, [Regulating chemicals \(REACH\) if there’s no Brexit deal](#), 24 September 2018.

⁸³ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q14 [Gabrielle Edwards]

⁸⁴ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q14.

⁸⁵ Cabinet Office, [Frameworks analysis: breakdown of areas of EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland](#), 9 March 2018.

⁸⁶ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q24 [Dr Thérèse Coffey MP].

⁸⁷ Scottish Government, [Environmental governance in Scotland after Brexit: report](#), 1 June 2018, para 3.8.6.

⁸⁸ Defra, [Regulating chemicals \(REACH\) if there’s no Brexit deal](#), 24 September 2018.

been staff increases at the HSE and Environment Agency such that there was “basic capability” to operate a regime from March, but that additional capacity would be required and would require further funding from Treasury.⁸⁹

A UK database of registered substances

The Government’s technical notice on REACH states that a new UK IT system “similar to the EU IT system” would be used for the registration of chemicals under the UK REACH system.

The Government’s technical note on REACH published on 24 September provides the following details about how the system would operate to “grandfather” existing REACH registrations into the UK system:

- Existing EU REACH registrations held by UK companies would be “carried across” (“grandfathered”) directly into the UK regime.
- Within 60 days of leaving the EU, companies would have to validate their existing registrations with the HSE, “providing some basic information on their existing registration”. They would then have 2 years from the day the UK leaves the EU to provide the HSE with the full data package that supported their original EU registration.
- Companies that imported chemicals from the EEA (but did not have a REACH registration) would need to notify the HSE and “provide some basic data on the chemicals within 180 days” and would then need to “move to a full registration at a later date”.
- Existing EU authorisations to use high risk chemicals would be carried across into the UK system.

In September 2018, the NAO raised concerns that Defra was focusing on establishing an IT database to have key functionality in place on exit day (March 2019) without knowing the future regulatory arrangements, pointing to a risk that the basic design may need significant reworking in the future:

Defra has been focusing on ensuring that a functioning system is in place for a potential exit without a deal in March 2019. However, the approach it is taking means there is a risk that these solutions may not be able to deliver the enhanced capability needed once it has specified the full business requirements, and that the basic design and build may need significant rework as a result.⁹⁰

Reactions to the no deal technical notice

In October 2018 the Alliance of Chemical Associations (which represents companies operating in the chemical industry supply chain) raised concerns about Defra’s approach to implementing a UK REACH.⁹¹ The major concern expressed was whether chemical companies would

⁸⁹ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q24

⁹⁰ National Audit Office, [Department for Environment, Food and Rural Affairs, Progress in Implementing EU Exit](#), HC1498, 12 September 2018, para 14; see also paras 2.10-2.15.

⁹¹ Alliance of Chemical Associations, [Letter to Therese Coffey MP dated 31 October 2018](#) [accessed 5 November 2018].

be able to provide a full data package even within the 2-year period, stating that the “*scale of the task and the related timeframe are simply not feasible*”.⁹² Many REACH registrations are held jointly between several companies, so companies may not have intellectual property (IP) rights to all the data supporting their REACH registrations. On 24 October 2018 the House of Lords EU Energy and Environment Sub-Committee expressed concern regarding Defra’s “no deal” preparations, particularly regarding IP rights and joint registrations:

The Secretary of State seemed unaware that UK chemical companies may not own the rights to the data that proves their chemicals are safe to use. The Government’s plans for the chemical industry in the case of a ‘no deal’ Brexit are predicated on companies being able to provide this.⁹³

The [Chemical Industry Association expressed concern](#) about the cost of requiring companies to duplicate pre-existing registrations (see Section 1.4):

...businesses have already spent in excess of £550 million investing in registrations under EU-REACH; sharing information and communicating safe use in exchange for a license to market chemicals in European countries, including the UK. Requiring companies to duplicate pre-existing registration duties for a UK-REACH will not only weaken our international competitiveness but more importantly, offers nothing more to strengthen health and safety.

As a consequence, we urge that a more efficient and less costly option to both businesses and the regulator is considered over re-registrations whereby all existing REACH registrations are recognised in the UK.⁹⁴

Environmental campaign groups [CHEMTrust](#) and Green Alliance expressed concern that the notice did not make a commitment to mirror EU outcomes on chemicals regulation (amongst other more specific concerns);⁹⁵ see Section 4.3 below for more commentary on standards of chemical safety.

4.3 Commentary on a separate UK regime

Cost of setting up a UK REACH

In its report, [Future of Chemicals Regulation after the EU Referendum](#), the EAC warned in April 2017 that the cost of setting up a new regulatory system in the UK separate to REACH would be significant financially as well as from the perspective of the administrative burden and knowledge capacity that would be required to establish a UK

⁹² Alliance of Chemical Associations, [Letter to Therese Coffey MP dated 31 October 2018](#) [accessed 5 November 2018].

⁹³ House of Lords EU Energy and Environment Sub-Committee, [Serious concerns raised over Defra’s ‘no deal’ preparations](#), 24 October 2018.

⁹⁴ Chemical Industry Association, [A costly challenge for the UK chemical industry under a ‘no-deal’ Brexit](#), 24 September 2018, accessed 5 November 2018.

⁹⁵ CHEMTrust, [UK Government publishes preparations for chemical regulation in event of ‘no-deal’ Brexit](#), Kate Young, 24 September 2018; [‘No Deal’ Brexit: Is the UK facing two years of chemicals ‘chaos’?](#), Madeline Cuff, *Business Green*, 25 September 2018.

authority similar to the ECHA.⁹⁶ Similar concerns have been echoed by industry stakeholders and environmental campaign groups.⁹⁷

Industry groups are concerned about the cost of duplicating registrations on the UK and EU systems (see Section 1.4).

Standards of chemical safety

The Government's technical notice states that in a 'no deal' scenario "*the UK would not be legally committed to medium- or long-term regulatory alignment with the EEA*".⁹⁸

Many environmental campaign groups (such as Greener UK and Green Alliance) are concerned that separating from REACH in a no deal scenario could result in lower standards of chemical regulation and safety in the UK.⁹⁹ They argue that if the UK system is slower than the EU to take regulatory decisions, or is not as legally robust, it could potentially lead to loopholes or legal challenges with the result that chemicals that are restricted in the EU may not be restricted in the UK.¹⁰⁰

On the other hand, one criticism of REACH is that the process for making regulatory decisions at the EU level is slow.¹⁰¹ One potential advantage of a UK REACH system could be for the UK to improve on the EU system. Dr Thérèse Coffey, in oral evidence to the House of Lords EU Energy and Environment Sub-Committee, alluded to such an option, while stressing that no consideration had been given to such a change:

...there may be opportunities in not having to regulate all the interim proposals, just the actual product that you want to register as a chemical, rather than the six or seven steps along the way to creating the final product. We have not been giving any consideration to changing regulations as we leave the EU.¹⁰²

The Chemical Industries Association has suggested that Brexit may present an opportunity for the UK to develop a more pragmatic and risk-based approach to regulatory decisions (but says that any divergence must not come at the cost of market access and a

⁹⁶ Environmental Audit Committee, [Future of Chemicals Regulation after the EU Referendum](#), HC 912, 2016-17, para 11, 29 April 2017.

⁹⁷ Greener UK, [What would a no deal Brexit mean for the environment?](#), July 2018, page 4; Squire Patton Boggs for the Chemicals Industry Association, [Making Brexit work for the chemicals industry](#), February 2018.

⁹⁸ Defra, [Regulating chemicals \(REACH\) if there's no Brexit deal](#), 24 September 2018.

⁹⁹ [Chemical safety: the one thing most people can agree on when it comes to Brexit](#), Libby Peak (policy advisor at Green Alliance) writing for think tank UK in a Changing Europe; Greener UK, [What would a no deal Brexit mean for the environment?](#), July 2018; ['No-deal' Brexit could make UK chemicals dumping ground](#), *Chemical Watch*, 3 August 2018.

¹⁰⁰ One concern is that if the UK accepts that substances registered with the ECHA without the underlying data, it may leave regulatory decisions to restrict chemicals in the UK open to judicial review challenges, see: Green Alliance, [A new direction for UK resource strategy after Brexit](#), November 2017 page 13 and Greener UK, [What would a no deal Brexit mean for the environment?](#), July 2018 page 3.

¹⁰¹ [Brussels criticised for delays in banning toxic chemicals](#), Matthew Taylor, *The Guardian*, 11 June 2018

¹⁰² House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q26.

preferential trade agreement with the EU).¹⁰³ ¹⁰⁴ The Association has also commented on the loss of a UK voice on EU-decision making bodies, which it says supports “sound science and risk-based decision-making”:

The UK authority’s voice in EU committees is also important to the European chemical industry and CIA member companies have directly seen the UK support the need for sound science and risk-based decision-making. The UK has a balanced, pragmatic and proportionate approach and the prospect of losing the UK presence in EU committees is a matter of concern amongst CIA members.¹⁰⁵

The Institute of Economic Affairs considers that withdrawing from REACH would provide an opportunity to implement “pro-competitive regulation”.¹⁰⁶

Animal welfare

Animal welfare campaigners have raised concerns that a developing a separate UK system, which would be necessary in a no deal scenario, could result in more animal testing, for example, if data for existing animal tests held on the ECHA database could not be accessed by the UK system (see Section 1.1 above).¹⁰⁷

In evidence to the Lords EU Energy and Environment Sub-Committee, Defra Minister, Dr Thérèse Coffey, could not rule out that a UK system would not involve more animal testing:

we would have to undertake a regulatory approach, and if that required animal testing that would require animal testing.¹⁰⁸

¹⁰³ [Brexit could mean more risk-based chemicals regulation, CIA says](#), *Chemical Watch*, Luke Buxton, 26 October 2016, accessed 11 September 2018; Squire Patton Boggs for the Chemicals Industry Association, [Making Brexit work for the chemicals industry](#), February 2018, page 7.

¹⁰⁴ Letter from Steve Elliot, Chief Executive of Chemical Industries Association to Secretary of State for Defra, Michael Gove, [UK Chemicals: REACH and Brexit](#), 7 December 2017.

¹⁰⁵ Squire Patton Boggs for the Chemicals Industry Association, [Making Brexit work for the chemicals industry](#), February 2018, page 6.

¹⁰⁶ Institute of Economic Affairs, [PLAN A+ Creating a prosperous post-Brexit U.K.](#), 24 September 2018.

¹⁰⁷ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 27 June 2018, Q8 [Libby Peak]; [Animal welfare NGO: Brexit could harm alternative test methods](#), *Chemical Watch*, 18 July 2017; [UK chemical regulation needs a plan B for ‘no deal’](#), Lord Teverson, blog post for Inside Track (Green Alliance), 2 August 2018.

¹⁰⁸ House of Lords, Select Committee on the European Union, Energy and Environment Sub-Committee, [Oral evidence: The future of REACH regulations post-Brexit](#), 18 July 2018, Q25.

5. Further reading and resources

5.1 Parliamentary resources

Library briefing papers

- [The Brexit White Paper on future relations and alternative proposals](#), 28 August 2018.
- Lords Library briefing paper [Brexit Preparations and Negotiations](#), 18 July 2018.
- [Brexit: Customs and Regulatory Arrangements](#), CBP8309, 13 July 2018.
- [What if there's no Brexit deal?](#) CBP8397, 10 September 2018
- [Importance of trade with the EU for UK industries](#), CBP8065, 1 August 2017
- [Brexit and the environment](#), CBP 8132, 8 August 2018.

Select Committee inquiries and reports

House of Lords EU Energy and Environment Sub-Committee, [Future of REACH regulations post-Brexit](#) inquiry. In particular, oral evidence to the Sub-Committee from Defra Minister, Dr Thérèse Coffey, on [18 July 2018](#).

House of Commons, Environmental Audit Committee, *The Future of Chemicals Regulation after the EU Referendum*, [HC 912](#), 27 April 2018; and Government response, [HC 313](#), 29 September 2017.

House of Lords EU External Affairs Sub-Committee, *Brexit: trade in goods*, [HL 129](#), 14 March 2017; and [Government response](#), 30 October 2017.

House of Commons Exiting the European Union Committee, written evidence, [Chemicals Sector Report](#), 21 December 2017.

5.2 EU Sources

European Chemicals Agency, [The UK's withdrawal from the EU](#)

European Commission, [Ten years of REACH: making chemicals safer for consumers, workers and the environment](#), 5 March 2018. This is the press release for the publication of the European Commission's second major review of the operation of REACH, which discusses proposals for improving the implementation of REACH.

For a comparison of REACH to chemicals regulation in other countries, see: European Commission, [Impacts of REACH and corresponding legislation governing the conditions for marketing and use of chemicals in different countries/regions on international competitiveness of EU industry](#), October 2016.

5.3 Stakeholder comment and resources

Chemical Industry Association and European Chemical Industry Council, [Brexit: Preparing for a future UK out of REACH scenario](#), 12 October 2018.

Clifford Chance, [REACH and the Chemicals Regime in the UK after Brexit](#), 24 July 2018.

Chemical Industries Association, [The Chemical Industry – Brexit Priorities for UK Growth](#), August 2018.

Libby Peak, Green Alliance, The UK in a Changing Europe, [Chemical safety: the one thing most people can agree on when it comes to Brexit](#), 1 August 2018.

European Chemical Industry Council (Cefic), [Question and answer with Michel Barnier's team, the Brexit taskforce](#), 12 June 2018.

ChemTrust, Kate Young, [Should the UK stay in the EU Chemical Agency Post-Brexit? Latest from UK Parliament, Cefic and Article 50 Taskforce](#), 21 June 2018.

Friends of the Earth, [UK Environmental Policy Post-Brexit: A Risk Analysis](#), 12 April 2018.

Squire Patton Boggs for the Chemicals Industry Association, [Making Brexit work for the chemicals industry](#), February 2018.

Green Alliance, [A new direction for UK resource strategy after Brexit](#), November 2017.

European Chemical Industry Council and UK Chemical Industry Association [European Chemical Industry Joint Statement on Brexit and the Future](#), 27 November 2017.

Chemical Watch, [The future of chemicals policy - what can we learn from the past?](#) (September 2017)

Chemical Watch, [Will Brexit mean avoiding the burden of REACH?](#) (May 2016).

Chemical Watch, [Brexit could mean more risk-based chemicals regulation, CIA says](#) (26 October 2017)

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