

**Connecting**Chemistry**BREXIT**

## **BREXIT AND REACH/BPR COMPLIANCE**

**CUSTOMER INFORMATION JANUARY 2019**

With less than three months remaining until the United Kingdom leaves the European Union and the UK's Parliament rejection of the proposed agreement, the risk of a "no deal" (a "hard") Brexit has increased. Therefore present information deals with the regulatory aspects of a "no deal" Brexit, i.e. The worst-case scenario and the implications and our plans with respect to reach and the Biocidal Product Regulation (BPR).

### **IN READINESS FOR BREXIT**

Implications through Brexit on regulatory matters are twofold and derive in essence from the fact that 1) UK will no longer be a Member State of the EU and 2) the plans of UK Government to put in place identical legal pieces to regulate manufacturing and placing on the market of chemicals and biocidal products in the UK.

### **EXIT FROM "EU REACH"/"EU BPR"**

Manufacturers, Importers, Only Representatives (OR), Distributors and Downstream Users of chemicals with legal seat in the UK will get the status of a non-EU27/EEA company with respect to obligations under REACH and BPR. Exports of substances on their own or in mixtures from UK to the EU will be subject to re-registration, while Biocidal Products would need Authorization through a Member State.

### **IMPLEMENTING „UK REACH“/“UK BPR“**

On the day of Brexit, it is intended that the UK Government will, through the EU Withdrawal Bill, convert REACH into UK Law. Also the UK Department for Environment, Food & Rural Affairs (DEFRA) foresees the establishment of an independent Biocidal Product legislation. That means "UK REACH" as "UK BPR" will become applicable to UK based companies as well as for companies exporting to UK.

## MAIN IMPLICATIONS

**REACH:** Registrations and Authorizations through UK Manufacturers, Importers and Only Representatives (OR) would become invalid in EU27/EEA customs area

- Substances with origin UK would need registration if imported into EU27/EEA
- Substances with origin non-EU27/EEA imported into UK would need registration if re-exported to EU27/EEA
- OR located in UK would have to relocate their business seat to EU27/EEA or found a subsidiary to guarantee the validity of their registration by Legal Entity transfer

**BPR:** Active Substance Registration and Biocidal Product Authorisation under BPR by companies established in the UK will have the same fate and become invalid

- UK based suppliers of Active Substances need to appoint a representative established in EU27/EEA
- Role of Authorization holders needs to be transferred to an EU27/EEA based legal entity

“UK REACH” and “UK BPR” will urge chemical Manufacturers, Importers and Downstream Users to comply by similar procedures with the new national chemical control law

- UK Companies having registered under EU REACH would have to notify UK authorities and re-submit registration data at a later stage
- UK Downstream Users sourcing chemicals from EU27/EEA would become importer have to notify and later register

## HOW WE SUPPORT OUR CUSTOMERS

To meet the various challenges, a taskforce has been formed at management level to assess the impact on our business and operational processes and to identify and put in place practical back-up solutions. In the unlikely event that the supply of compliant products should be at risk we are convinced that together we will find beneficial solutions. We will closely monitor the development to put ourselves in position to take actions with the purpose of minimizing, if not preventing inconveniences for our customers. We understand these statements seem generic but in view of the special situation we believe it is the only way to provide fair and concise information on this subject. However, we are ready to listen to your concerns and discuss practical solutions. Please feel encouraged to contact us, should you have any questions.



## PRODUCTS SOURCED FROM UK SUPPLIERS BY BRENNTAG LOCATED IN EU27/EEA

- (1) We have identified and made an inventory of substances and mixtures impacted by Brexit
- (2) We are corresponding with our suppliers on their strategy to identify bottlenecks early in time
- (3) [1] and [2] combined we identify the products at risk
- (4) Brenntag with its broad portfolio of suppliers will be able to identify alternative non-UK suppliers if needed and acceptable for our customers
- (5) We discuss possible solutions with our customers and suppliers

## BRENNTAG UK LTD

- (1) Customers' requirements have been assessed in dialogues during 2018 and activities/planning have been designed to reflect these requirements
- (2) Offerings to support our customers' business are outlined in detail in customer communication available from your local account manager or [enquiry@brenntag.co.uk](mailto:enquiry@brenntag.co.uk)
- (3) Detailed information and action plan of Brenntag UK Ltd. you will get by contacting your Brenntag UK Ltd. business contact

## SOURCES AND FURTHER INFORMATION

### CIA/Cefic:

Brexit: Preparing for a future “UK out of REACH scenario”

[http://www.cefic.org/Documents/RESOURCES/PositionPapers/Brexit\\_Preparing\\_for\\_UK\\_out\\_of\\_REACH\\_Scenario.pdf](http://www.cefic.org/Documents/RESOURCES/PositionPapers/Brexit_Preparing_for_UK_out_of_REACH_Scenario.pdf)

### EU Chemical Industry:

Joint Statement on Brexit and the Future

<http://www.cefic.org/Documents/RESOURCES/PositionPapers/Cefic-CIA-joint-statement-on-Brexit-and-the-future-November2017.pdf>

### ECHA/EU Commission:

<https://echa.europa.eu/uk-withdrawal-from-the-eu>

[https://ec.europa.eu/commission/brexit-negotiations\\_en](https://ec.europa.eu/commission/brexit-negotiations_en)

### UK Government:

<https://www.gov.uk/government/brexit>

<https://www.gov.uk/government/speeches/pm-speech-on-our-future-economic-partnership-with-the-european-union>

## BREXIT TIME TABLE (SOURCE: CIA/CEFIC<sup>1</sup>)

- 23 June 2016: The UK voted to leave the EU
- 29 March 2017: UK's notification to leave the EU sent; 2-year negotiation period started
- November 2018: Brexit negotiations to be finalized. EU Council to agree UK's EU Withdrawal Agreement and political declaration on future relationship framework
- By March 2019: EU and British Parliaments and the EU Council of Ministers to ratify Withdrawal Agreement
- 29 March 2019: UK leaves the EU at 11pm UK time
- 30 March 2019: UK leaves the EU at 0h CET
- 30 March 2019: Transition period starts (if ultimately agreed) – UK remains in EU REACH
- 31 December 2020: Transition period ends. EU and UK to start a new economic and political relationship

<sup>1</sup> Brexit: Preparing for a future “UK out of REACH scenario”

## DISCLAIMER

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