

# Understanding REACH

REACH stands for Registration, Evaluation, Authorisation and Restriction of Chemicals. It entered into force on 1 June 2007.

[EUR-Lex - 32006R1907R\(01\) - EN - EUR-Lex \(europa.eu\)](#)

REACH is a regulation of the European Union, adopted to improve the protection of human health and the environment from the risks that can be posed by chemicals. In principle, REACH applies to all chemical substances; not only those used in industrial processes but also in our day-to-day lives, for example in cleaning products, paints as well as in articles such as clothes, furniture, and electrical appliance.

The REACH Regulation makes industry responsible for managing the risks of these substances in the market, and for providing the relevant safety information to users and consumers. It also prioritizes the progressive phase-out of some of the most dangerous chemicals in products once suitable alternatives are found.

[Understanding REACH - ECHA \(europa.eu\)](#)

## How does REACH work?

REACH establishes procedures for collecting and assessing information on the properties and hazards of substances.

The REACH Regulation requires all companies manufacturing or importing chemical substances into the EEA in quantities greater than one metric ton per year to register these chemicals with the European Chemicals Agency (ECHA) in Helsinki, Finland. In doing so, they must be able to prove to the ECHA the chemicals can be used safely. The agency assesses these individual registrations for compliance and ultimately determines whether the risks posed by the substances can be adequately managed. If a risk is deemed unmanageable, authorities may ban it from being placed on the market, restrict the use of the substance, or make it subject to a prior authorization.

This is done by the four processes of REACH, namely the Registration, Evaluation, Authorisation and restriction of Chemicals.

**Registration:** Anyone that makes or imports a chemical into the EU above 1 tonne per year will need to register it with ECHA before it is placed on the EU market.

**Evaluation:** The authorities examine information submitted by companies during registration. Evaluation focuses on three key areas: dossier evaluation, substance evaluation, and examination of testing proposals.

**Authorisation:** A Process for chemicals identified as being a substance of very high concern (SVHC) to human health or the environment. SVHCs are first included on a “Candidate List” and may subsequently be included in Annex XIV – the Authorisation list – meaning they cannot be placed on the EU market or used after a given date unless the specific use of the substance is exempted or is authorised by ECHA.

**Restriction:** This Process is used under REACH to limit or ban the manufacture, supply, or use of substances when an unacceptable level of risk exists. A substance does not need to

meet the SVHC criteria associated with the authorisation process to be restricted and, once adopted, a restriction affects all manufacturers, importers, distributors, downstream users, and retailers. The process to restrict a substance is complicated and involves public consultations as well as preparation of a socio-economic analysis by the regulators.

The European Chemicals Agency (ECHA) has produced guidance documents with the participation of many stakeholders: Industry, Member States and NGOs. The objective of these documents is to **facilitate the implementation of REACH** by describing good practice on how to fulfil the obligations. It will enable companies to have a quick overview of the implications for them of different aspects of REACH.

[Guidance on REACH - ECHA \(europa.eu\)](#)

[Guidance in a Nutshell - ECHA \(europa.eu\)](#)

## EU REACH Roles and Duties

What a company needs to do to comply with REACH will depend on their role and where they sit in the supply chain. The information provided here gives information about the different roles a company might have and what that means in terms of REACH responsibilities.

Under REACH, all 'actors' in the supply chain have a responsibility to ensure that they manufacture, place on the market or use substances without harming human health or the environment. The duties of an actor will depend on their role be it a manufacturer, importer, downstream user or distributor. Non-EU companies can appoint only representatives to take on the duties of the EU importer, which is discussed below.

### **Manufacturer / Importer**

A manufacturer under REACH is any company manufacturing a chemical substance within the EU, while an importer is any company that imports a chemical substance from outside the EU. Their key task is to register any substance manufactured or imported at greater than 1 tonne per annum. Such substances can be substances on their own, in a mixture or incorporated into an article with the intention of being released from that article. Registration involves gathering information on the substances and submission of a registration dossier to the European Chemicals Agency (ECHA).

Registrants also have a responsibility to inform downstream users how to use substances safely and to communicate with users on any other aspects of REACH.

### **Only Representative (OR)**

An Only Representative (OR) is an EU legal entity appointed by a non-EU manufacturer or formulator to represent him in relation to REACH. The OR completes the registration dossier on behalf of all of the EU importers – who then become downstream users. In addition to registration, the OR is responsible for all duties of importers in relation to all other aspects of REACH.

### **Downstream User**

Companies that source their chemicals in the EU and use them in their industrial or professional activities are considered downstream users under REACH. Downstream users have a key role to play in advancing the safe use of chemicals by implementing safe use at their own site and communicating relevant information both to their suppliers and their customers.

## Distributor

A distributor is a person who stores and passes chemical substances onto third parties e.g. a retailer. The distributor has a duty to communicate information on substances within the supply chain, facilitating the movement of information from manufacturers on the safe use of chemicals and from downstream users on chemical uses.

## What is UK REACH

The EU REACH Regulation has been brought into UK law under the European Union (Withdrawal) Act 2018. REACH, and related legislation, has been replicated in the UK with the necessary changes to make it operable in a domestic context. The key principles of the EU REACH Regulation have been retained. The domestic regime that will operate in the UK from 1 January 2021, will be known as UK REACH.

UK REACH and the EU REACH regulations operate independently from each other. Companies that are supplying and purchasing substances, mixtures or articles to and from the EU/EEA/Northern Ireland and Great Britain (England, Scotland and Wales) will need to ensure that the relevant duties are met under both pieces of legislation.

Under the Northern Ireland Protocol, the EU REACH Regulation continues to apply to Northern Ireland, while UK REACH provides the regulatory framework for chemicals in GB.

[The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](#)

[REACH - HSE](#)

## UK REACH Roles and Duties

### Manufacturers:

Who produce or extract a substance either through chemical synthesis, smelting or extraction. They are required to hold a valid registration for these substances under UK REACH.

### Importers:

Bring chemical substances into GB from either the EU/EEA or NI or from the rest of the world. They have responsibilities to hold registrations for these substances unless their non-GB suppliers, where applicable, have appointed an Only Representative to take on the duties on behalf of the GB importers

### Importers under UK REACH who were downstream users under EU REACH:

GB downstream users (who before the end of the transition period imported chemicals from EU/EEA and relied on an EU REACH registration held further up the supply chain) will become importers under UK REACH. They must ensure that the substances they import are covered by a valid UK REACH registration.

### Downstream users:

Companies or individual workers who directly handle chemical substances in the course of their business activities and are not themselves the GB-based manufacturer or importer of the substances. Some businesses who were classed as downstream users under EU REACH may find that they are classed as importers under UK REACH if they are sourcing substances directly from the EU/EEA. This will mean they may have new registration responsibilities.

[UK REACH: Notification of status as a GB-based downstream user or distributor under EU REACH \(hse.gov.uk\)](#)

### **Only Representative:**

Under article 8 of UK REACH, a non-GB manufacturer/formulator/producer of articles can appoint a GB-based Only Representative to fulfil the obligations of the GB-based importers. This may help maintain access to the GB market for their substances by reducing the responsibilities for importers.

### **Distributors:**

Companies that store and place on the market a substance, on its own or in a preparation for third parties. They do not directly handle the substance. Providing they do not have importer responsibilities, they do not need to register with REACH. They do have an important responsibility to pass on information down the supply chain, including Safety Data Sheets.

### **Formulators:**

Companies that produce mixtures and supply them further down the supply chain or directly to consumers. They mix together substances and/or mixtures, with no chemical reaction taking place during the process. Providing they do not have importer responsibilities, they do not need to register with REACH.

### **Third party representative:**

A third-party representative may be appointed by a manufacturer or importer, or even a downstream user, to take part in discussions and negotiations over data and cost sharing with other potential registrants, so that the company can remain anonymous.

## Recognising EU REACH Registrations under UK REACH (grandfathering)

To help to minimise the impacts of introducing UK REACH and to provide continuity for businesses, the UK Government has implemented transitional provisions for GB-based EU REACH registration holders.

EU REACH registrations held by GB-based businesses have been carried across directly into UK REACH, legally 'grandfathering' the registrations into the new regime.

Read the HSE guidance to find out how to complete the grandfathering process:

[UK REACH: Recognising your EU REACH registrations under UK REACH \(grandfathering\) \(hse.gov.uk\)](#)

## How to comply

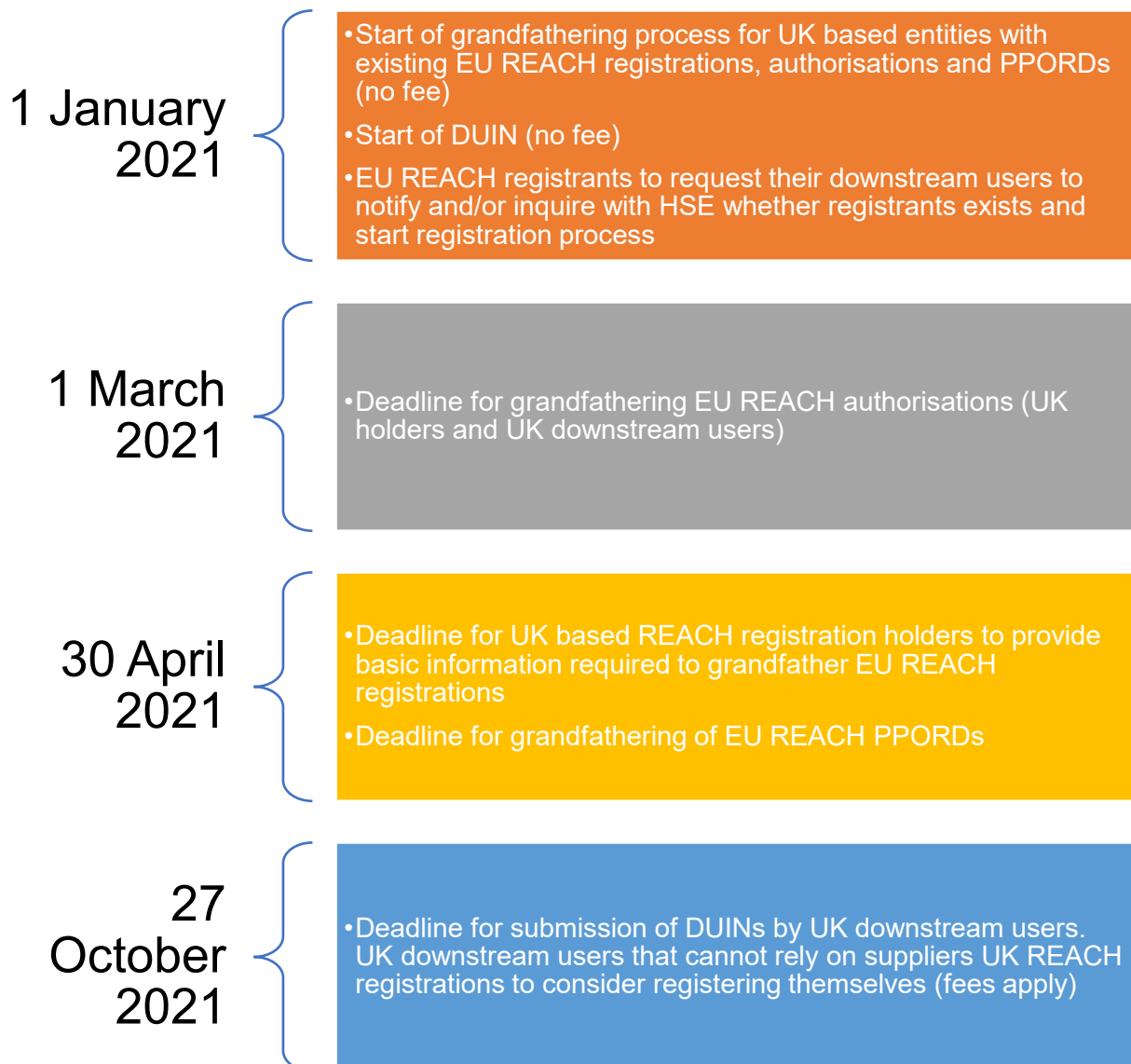
If you're based in Great Britain (England, Scotland and Wales), you'll need to follow UK REACH regulations to manufacture, import, sell or distribute chemical substances or mixtures.

Use the 'Comply with UK REACH' service to manage your chemicals on UK REACH

[How to comply with REACH chemical regulations - GOV.UK \(www.gov.uk\)](#)

# Summary of key dates related to UK REACH

The very first deadline for UK REACH concerns **notifications to the Health and Safety Executive** (or HSE) in the United Kingdom. Following this notification, companies have several deadlines to complete their UK REACH registrations. The implications and associated actions for companies are dependent upon the activities carried out and their role in the supply chain. These spread out over time and may be subject to change depending on UK government.



<p>Until 28 October 2023</p>	<ul style="list-style-type: none"> <li>• Any substance – 1000 tonnes or more per year</li> <li>• Carcinogenic, mutagenic, or toxic for reproduction (CMR) – 1 tonne or more per year.</li> <li>• Candidate list substances (as at 31 December 2020).</li> </ul>
<p>Until 28 October 2025</p>	<ul style="list-style-type: none"> <li>• Any substance – 100 tonnes or more per year.</li> <li>• Candidate list substances (as at 27 October 2023).</li> </ul>
<p>Until 28 October 2027</p>	<ul style="list-style-type: none"> <li>• Any substance – 1 tonne or more per year.</li> </ul>

Source: the-ncec.com