



Department
for Environment
Food & Rural Affairs

Consultation on Extending the UK REACH Submission Deadlines

5th July 2022

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Contents

Part 1 - Introduction	4
Introduction.....	4
Context.....	4
Purpose of the consultation	5
Policy options	6
Description of options considered.....	6
Audience.....	8
Responding to this consultation.....	9
Duration	9
Confidentiality and data protection information.....	9
What we will do after the consultation	9
Compliance with the consultation principles	10
Part 2 - Consultation questions	11
Policy Options.....	13
Extending the deadlines under Article 41(5) of UK REACH	15
Impact Assessment (IA).....	15
Impact Assessment: registration data pricing	16

Part 1 – Introduction

Introduction

This consultation is seeking views on government proposals to extend the current UK REACH submission deadlines for transitional registrations. Responses to this consultation will be used to inform decisions on changes to the submission deadlines. We will not introduce new secondary legislation extending the current deadlines until we have considered responses to this consultation.

Context

The UK REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation¹ is one of the main pieces of legislation for the regulation of chemicals in Great Britain. It established the UK REACH regime (UK REACH), which regulates the use of substances in Great Britain as EU REACH continues to apply in Northern Ireland². UK REACH requires substances that are manufactured in, or imported into, GB to be registered with the Agency for UK REACH (the Health and Safety Executive ((HSE)). Registrations include information on the hazards, uses and exposure of the substance. Registration information is used by HSE for regulatory purposes and by the registrants to identify appropriate risk management measures for themselves and other users down the supply chain.

The UK REACH Regulation contains transitional provisions to reduce the disruption to industry as they moved to the new regime from EU REACH. These provisions allow companies to submit initial ‘notification’ data in order to continue trading and then subsequently provide the full registration data. The transitional provisions apply to those that were registrants, downstream users or distributors under EU REACH before UK REACH came into effect. The current deadlines for completing this transitional registration process, depending on tonnage and hazard profile of the substance, are:

- **October 2023** for substances included on the EU REACH candidate list before UK REACH came into effect; substances that are carcinogenic, mutagenic or toxic for reproduction and manufactured or imported in quantities of 1 tonne a year or more; substances that are very toxic to aquatic life and manufactured or imported in quantities of 100 tonnes or more a year; and all substances manufactured or imported in quantities of 1,000 tonnes or more a year.
- **October 2025** for substances added to the UK REACH candidate list before the above submission deadline; and all substances manufactured or imported in quantities of 100 tonnes or more a year.

¹ Regulation (EC) No 1907/2006 (EUR 2006/1907).

² The Protocol on Ireland/Northern Ireland in the EU withdrawal agreement (the “NI Protocol”).

- **October 2027** for all substances manufactured or imported in quantities of 1 tonne or more a year.

In response to concerns raised by stakeholders around the cost of acquiring the data to complete their registrations, the government is working with stakeholders to explore an alternative transitional registration model. The aim of this model is to reduce costs to businesses of transitioning from EU REACH to UK REACH whilst maintaining or improving existing human health and environment protections, in line with our international commitments. Developing a new model is highly technical and complex and time is needed to develop a firm proposal. If a suitable model is found, operational (e.g., IT development) and legislative changes would need to be made to implement it.

The first of the current registration submission deadlines is in October 2023, therefore amendments to the current legislation are necessary to extend the deadlines to ensure there is sufficient time for substantive development of the policy, and to make operational and legislative changes to implement the new model. Industry will also need time to prepare for compliance with it. Extending the deadlines will reduce the likelihood of companies making nugatory investments in complying with current deadlines and data requirements. It will allow them time to plan their business decisions in relation to the extended deadlines.

This consultation also covers the proposal to extend the legislative timelines for the UK regulator to carry out the compliance checks on 20% of registration dossiers required under Article 41 of the UK REACH Regulation³. These need to be amended to ensure that they apply after the relevant submission dates have passed, otherwise no data may have been submitted for the Agency to carry out compliance checks on.

Purpose of the consultation

The purpose of this consultation is to seek stakeholders' views on the government's proposal to extend the current UK REACH submission deadlines by up to 3 years. There are three options under consideration including a do-nothing option. A draft impact assessment which summarises the options considered (including non-regulatory options), the rationale for government intervention, and the expected costs and benefits is attached to this consultation. Views are also being sought on the government's intention to extend the dates for the requirement to carry out compliance checks on 20% of registration dossiers under Article 41. A ministerial statement on the consistency of the proposed amendments with Article 1 of the REACH Regulation (the Article 1 Consistency Statement) is published alongside this consultation.

³ Article 41(5) - to check compliance of registration dossiers the Agency shall select, until 31 December 2023, a percentage of those dossiers no lower than 20 % of the total received by the Agency for registrations in tonnage bands of 100 tonnes or more per year. The Agency shall, until 31 December 2027, also select a percentage no lower than 20 % of the total received by the Agency for registrations in tonnage bands of less than 100 tonnes per year.

Policy options

The options being considered, and which are subject to consultation, are listed in Table 1:

- **Baseline** – Do Nothing – do not change the current submission deadlines. (27 October 2023, 27 October 2025, and 27 October 2027).
- **Option 1** – Extend all the current submission deadlines for each tonnage band by three years to October 2026, October 2028, and October 2030.
- **Option 2 (preferred option)** – Extend the first submission deadline by 3 years to October 2026, the second by 2 years to October 2027, and the third by 1 year to October 2028.

Option 2 is the government’s preferred option because the transitional registration data would be received sooner, while allowing industry sufficient time to comply.

Table 1: Options for data submission deadlines

Current Deadline	Option 1	Option 2	Tonnage	Hazardous Properties
27 Oct 2023	27 Oct 2026 (+3 years)	27 Oct 2026 (+3 years)	1,000 tonnes or more per year	Carcinogenic, mutagenic or toxic for reproduction (CMRs) - 1 tonne or more per year Very toxic to aquatic organisms (acute or chronic) - 100 tonnes or more per year Candidate list SVHC substances ⁴ (as at 31 December 2024)
27 Oct 2025	27 Oct 2028 (+3 years)	27 Oct 2027 (+2 years)	100 tonnes or more per year	Candidate list SVHC substances as at (27 October 2026)
27 Oct 2027	27 Oct 2030 (+3 years)	27 Oct 2028 (+1 year)	1 tonne or more per year	

Description of options considered

Baseline (Do Nothing) – do not change the current submission deadlines (27 October 2023, 27 October 2025, and 27 October 2027).

Defra is currently working with industry, NGOs and key stakeholders to develop an alternative transitional registration model which looks to reduce the burdens associated with the submission of information, while improving the understanding by industry and regulators

⁴ Substances of Very High Concern identified in accordance with Article 59 of the UK REACH Regulation.

of the risks connected with the use of, and exposure to, chemicals in Great Britain. There are impending deadlines for the submission of information under the current legislation to which industry are legally bound. Moving to an alternative registration model is likely to change the information industry would have to provide.

With a 'do nothing option', the first deadline of 27 October 2023 will fall before the government has had time to develop and legislate for the alternative model. This will cause considerable uncertainty about what companies' duties are and what steps they should be taking to meet them. There is also a risk that industry could start making nugatory investment towards acquiring data that may not be necessary under the criteria set out in the alternative transitional registration model being developed.

Option 1 - Move the submission deadlines for each tonnage band back by 3 years.

Option 1 would move the current submission deadlines back by 3 years as illustrated in Table 2 below.

Table 2: UK registration submission deadlines under Option 1

Current Deadline	Option 1	Tonnage	Hazardous Properties
27 Oct 2023	27 Oct 2026 (+3 years)	1,000 tonnes or more per year	<ul style="list-style-type: none"> • Carcinogenic, mutagenic or toxic for reproduction (CMRs) - 1 tonne or more per year • Very toxic to aquatic organisms (acute or chronic) - 100 tonnes or more per year • Candidate list SVHC substances (as at 31 December 2024).
27 Oct 2025	27 Oct 2028	100 tonnes or more per year	<ul style="list-style-type: none"> • Candidate list SVHC substances as at (27 October 2025)
27 Oct 2027	27 Oct 2030 (+3 years)	1 tonne or more per year	

This should give the government time to introduce the alternative model and those subject to the first deadline time to prepare to comply with it. It would also give those subject to subsequent deadlines the same amount of time they have now to take account of what is done by those subject to earlier deadlines. As set out in the Article 1 Consistency Statement, the government considers that this option would be consistent with Article 1 of the UK REACH Regulation. In particular, with the purpose of ensuring a high level of protection for human health and the environment and the free circulation of substances.

Option 2 - Move the first submission deadline by 3 years to October 2026, the second by 2 years to October 2027, and the third by 1 year to October 2028.

Option 2 is the preferred option. Option 2 would move the first submission deadline back by 3 years, the second by 2 years and the final deadline by just one year as illustrated in Table 3 below.

Table 3: UK registration submission deadlines under Option 2

Current Deadline	Option 2	Tonnage	Hazardous Properties
27 Oct 2023	27 Oct 2026 (+3 years)	1,000 tonnes or more per year	<ul style="list-style-type: none"> • Carcinogenic, mutagenic or toxic for reproduction (CMRs) - 1 tonne or more per year • Very toxic to aquatic organisms (acute or chronic) - 100 tonnes or more per year • Candidate list SVHC substances as at 27 October 2024
27 Oct 2025	27 Oct 2027 (+2 years)	100 tonnes or more per year	<ul style="list-style-type: none"> • Candidate list SVHC substances as at 27 October 2025
27 Oct 2027	27 Oct 2028 (+1 year)	1 tonne or more per year	

Moving the first submission deadline back by 3 years should give the government time to introduce the alternative transitional registration model and those subject to that deadline time to comply with it. Option 2 has the advantage of the transitional registration data being received by HSE earlier than under Option 1. Under this option, those subject to the second two submission deadlines would have less time to take account of what those subject to earlier submission deadlines did. We do not consider that there would be any significant impacts to industry as a result of the reduced gaps between submission deadlines, and believe any disadvantages are outweighed by the benefits of HSE receiving the transitional registration data sooner.

As set out in the Article 1 Consistency Statement, the government considers that this option would be consistent with Article 1 of the UK REACH Regulation. In particular, with the purpose of ensuring a high level of protection for human health and the environment and the free circulation of substances.

Audience

This is a public consultation, and we welcome all views. The primary audience is chemical industry businesses and stakeholders as well as downstream users of chemicals, but we welcome views from NGOs and other interested parties. The questions are presented in a way to accommodate both a general audience and stakeholders with specialist knowledge in the regulation of chemicals.

Responding to this consultation

Please respond to this consultation in one of the following ways:

Online using the Citizen Space consultation hub at Defra <https://consult.defra.gov.uk/>

For ease of analysis, responses via the Citizen Space platform would be preferred, if at all possible, but alternative options are provided below if required: By email to:

REACHextension@defra.gov.uk

By post:

Consultation Coordinator,
Defra 2nd Floor, Foss House, Kings Pool,
1-2 Peasholme Green,
York, YO1 7PX

Or email: consultation.coordinator@defra.gov.uk

Duration

This consultation will run for 8 weeks. The consultation opened on 5th July 2022 and closes on 1 September 2022. Please note, any responses sent by post must arrive at the above address by the closing date of the consultation 1 September 2022 to be counted. Unfortunately, any responses received after this date will not be analysed. To ensure your response is included in the analysis, please consider responding online via **Citizen Space**.

Confidentiality and data protection information

A summary of the responses to this consultation and the Government Response will be published and placed on government websites at www.gov.uk/defra, www.daera-ni.gov.uk, www.gov.scot and www.gov.wales. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g., home address, email address, etc).

What we will do after the consultation

A summary of the responses to this consultation and the Government response will be published and placed on Government websites at www.gov.uk/defra.

The summary will include a list of respondents and organisations that responded but not personal names, addresses or other contact details. However, information provided in response to this consultation document, including personal information, will be shared with the Devolved Administrations and may be subject to publication or release to other parties 7 of 27 or to disclosure in accordance with the access to information regimes e.g., Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018.

If you want information, including personal data that you provide to be treated as confidential, please say so clearly in writing when you submit your response to the consultation and explain why you need these details to be kept confidential.

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public and other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)).

We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data, with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

Compliance with the consultation principles

This consultation is being conducted in line with the Consultation Principles set out in the Better Regulation Executive guidance which can be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

By e-mail: consultation.coordinator@defra.gov.uk

Or in writing to:

Consultation Co-ordinator, Department for Environment, Food and Rural Affairs, 1C, Nobel House, 17 Smith Square, London SW1P 3JR

Part 2 - Consultation questions

1. Would you like your response to be confidential?

(required)

Yes

No

If you answered Yes to this question, please give your reason.

2. What is your name?

3. What is your email address?

If you enter your email address, then you will automatically receive an acknowledgement email when you submit your response.

4. Are you responding as an individual or on behalf of an organisation?
(Individual/Organisation option)

Individual

Organisation

5. What type of organisation are you responding on behalf of?

- A government body
- Non-governmental organisation (NGO)
- Local authority
- Charity
- Consultancy
- Small or micro business (Less than 50 employees, including global operations)
- Medium business (50 – 249 employees, including global operations)
- Large business (250 or more employees, including global operations)
- Industry association
- Other

If you answered 'Other', please state your organisation type.

6. If you are responding on behalf of an organisation, what is the name of the organisation?

7. For organisations that have legal responsibilities as part of UK REACH, what is your role within UK REACH? (Select all that apply)

- Only Representative (OR)
- Manufacturer of substances
- Importer of substances and / or mixtures from the EU/EEA
- Importer of substances and/ or mixtures from Northern Ireland
- Importer of substances and/or mixtures from RoW

- Exporter of substances from GB to the EU/EEA
- Exporter of substances from GB to RoW
- Downstream user of chemical substances (companies 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)
- Not applicable
- Other, please specify

Policy Options

As set out on page 6 of this document and in the Impact Assessment accompanying this consultation, we are consulting on 3 options:

- Do Nothing would not change the current submission deadlines. (27 October 2023, 27 October 2025, and 27 October 2027).
- Option 1 would extend all current submission deadlines for each tonnage band by 3 years, giving submission dates of October 2026, October 2028 and October 2030.
- Option 2 would extend the first submission deadline by 3 years to October 2026. The second by 2 years to 2027 and the third by 1 year to 2028. Option 2 is government's preferred option because it means that the transitional registration data is still received as early as possible, while allowing industry sufficient time to comply.

8. What is your preferred option:

- Do nothing
- Option 1
- Option 2
- I/we don't have a preferred option

Please explain the reasons for your answer.

9. Do you think the reduced submission timeline for substances in the 100 tonnes or more bracket under Option 2 provides sufficient time to comply with the deadline?

Yes

No

Please explain the reasons for your answer

10. Do you think the reduced submission time for substances in the 1 tonne or more bracket under Option 2 provides sufficient time to comply with the deadlines?

Yes

No

Please explain the reasons for your answer

11. To what extent do you think Option 1 impacts on the regulatory aims of UK REACH in achieving a high level of protection of human health and of the environment?

Please explain your answer below.

12. To what extent do you think Option 2 impacts on the regulatory aims of UK REACH in achieving a high level of protection of human health and of the environment?

Please explain your answer below.

Extending the deadlines for selecting 20% of dossiers under Article 41(5) of UK REACH

Article 41(5) of the UK REACH Regulation contains a deadline of 31 December 2023 for 20% compliance checks in respect of registrations for 100 tonnes or more, and a deadline of 31 December 2027 for checks in relation to other registrations.

These need to be amended to ensure that they apply after the relevant submission deadlines referred to in Option 1 or Option 2 have passed, otherwise, no data may have been submitted for the Agency on which to carry out these checks.

13. Do you agree with the government's proposal to move the current dates for compliance checks until after the submission deadlines in either Option 1 or Option 2

Yes

No

Please explain the reasons for your answer

14. Do you have a view on what the revised dates for compliance checks should be?

Please explain the reasons for your answer

Impact Assessment (IA)

15. To what extent do you agree or disagree with the government's assessment of the impacts on human health and environmental protections in paragraphs 38-40 and paragraph 44 of the IA?

Please explain the reasons for your answer

16. To what extent do you agree or disagree with our risks and assumptions in paragraph 47- 48 of the IA?

Please explain the reasons for your answer

17. To what extent do you agree with the public sector impacts in paragraph 45 of the IA?

Please explain the reasons for your answer

18. To what extent do you agree with the business and consumer impacts in paragraph 42 of the IA?

Please explain the reasons for your answer

Impact Assessment: registration data pricing

The following question is intended to support our understanding of the costs associated with UK REACH registration under the policy as currently legislated for. This will enable us to develop a more accurate understanding of both this policy and possible future changes to it. **This question is only relevant for companies with registration requirements under UK REACH, and consultancies supporting them.**

19. For substances that your company / the companies you act on behalf of have joint data ownership of under EU REACH:

On average, what percentage of the price of generating a full dataset do you expect your company / the companies you act on behalf of to be charged by the EU consortium?

For example, if you expect the consortium to charge full price, then please answer “100%”. If you expect them to charge half of that amount, then please answer “50%”.

If you do not know, please state “Do not know”.

20. For substances that your company / the companies you act on behalf of does **not own data under EU REACH**:

On average, what percentage of the price of generating a full dataset do you expect your company / the companies you act on behalf of to be charged by the EU consortium?