



Department  
for Environment  
Food & Rural Affairs



# EU Exit and UK chemicals regulation

Dave Bench

Director, EU Exit – Chemicals, HSE

27 February 2019



# Preparations for EU Exit



Department  
for Environment  
Food & Rural Affairs



- Joint HSE/Defra EU Exit Chemicals Programme
- **HSE policy lead** – CLP, PIC, BPR
- **Defra policy lead** – REACH, PPP, MRLs, Detergents, POPs, Mercury
- **HSE** is the regulator for CLP, REACH (with Environment Agency), PIC, BPR, PPP, MRLs, Detergents

# Planning for all scenarios



Department  
for Environment  
Food & Rural Affairs



- Leave EU March 2019 with 'no deal', or
- Withdrawal Agreement ratified - leave EU March 2019 & enter implementation period (to Dec 2020)

At the end of an implementation period:

- Future Economic Partnership with EU', or
- UK leaves the EU with 'no deal'

# Implementation Period



Department  
for Environment  
Food & Rural Affairs



- Time-limited between 29 March 2019 – 31 December 2020
- Common rules will remain in place, **with EU law continuing to apply in the UK** subject to the terms set out in the Withdrawal Agreement
- HSE no longer able to act as a ‘lead authority’
- Limited participation in EU institutions, agencies and bodies
- No UK vote in EU decision making

# Future Economic Partnership (FEP) (1/2)



Department  
for Environment  
Food & Rural Affairs



- UK Government would like FEP to start at end of Implementation Period – from January 2021
- White Paper published in July 2018 – sets out UK Government proposal for future economic relationship with EU
- Close alignment on goods, including chemicals and agri-foods
- Less close alignment on services

# Future Economic Partnership (2/2)



Department  
for Environment  
Food & Rural Affairs



- Common rulebook for goods including agri-food
  - expectation of some form of alignment with relevant EU rules but detail to be sorted out in negotiations
- Participation by the UK in work of EU agencies ‘that provide authorisations for goods in highly regulated sectors’
  - includes ECHA
  - is silent on EFSA

# No deal: Contingency planning

- The EU (Withdrawal) Act became law in June 2018
- Will convert EU Chemicals regulation to UK domestic law – retained EU law
- Allows for Government to make regulations to correct deficiencies
- Statutory Instruments (SIs) correct deficiencies to ensure that regulations are operable for the UK

# CLP - in a 'no deal' scenario



Department  
for Environment  
Food & Rural Affairs



- An independent UK system – but would adopt the UN GHS in the same way as now
- Recognise existing harmonised (mandatory) classification and labelling for listed substances which would continue to apply
- Require UK manufacturers and importers to notify details of their classification to HSE
- UK mandatory classification and labelling list (of substances) and a UK notification database



# REACH - in a 'no deal' scenario



Department  
for Environment  
Food & Rural Affairs



- An independent UK system.
- REACH registrations required in UK, as well as in EU27.
- HSE would be the regulator for UK REACH, with input from the Environment Agency.
- A UK work programme for restrictions would be developed.
- Companies could apply for REACH authorisations in the UK.

# BPR/PPP - in a 'no deal' scenario



Department  
for Environment  
Food & Rural Affairs



- An independent UK system for the biocidal and plant protection products regimes
- Applications would be needed to UK (HSE) for UK specific approval/authorisation
- HSE would perform ECHA/EFSA functions where still relevant in the UK after exit
- Existing active substance approvals, authorisations, and MRLs would remain valid

# The Future?



Department  
for Environment  
Food & Rural Affairs



- To be determined...
- HSE will continue to publish information on our EU Exit pages on our website.