

## BASA ADVISORY NOTE

### UKREACH AND IMPLICATIONS FOR EU SUPPLIERS OF FORMULATED ADHESIVES & SEALANTS TO GB CUSTOMERS

#### Background

UKREACH is a lift and shift of EU REACH, meaning all the issues that non-EU suppliers of substances and mixtures (and articles) had from 1 June 2007, EU suppliers into the GB now have.

This is for the GB market (England, Scotland, and Wales) and not the entire UK, because under the Northern Ireland protocol, effectively NI remains in the EU in respect of EU REACH. The fact that the EU and GB/NI are using common raw materials is not relevant for the two sets of regulations.

#### Basics

UKREACH only imposes obligations on GB manufacturers or GB importers of substances (and substances in mixtures). So, if you do not have a GB legal entity, you have no duties under UK REACH. The duties will be on your GB customers, and this is whether you are using UKREACH registered (or grandfathered) substances or EU REACH registered substances.

As with EU REACH most polymers are currently exempt from UKREACH registration obligations, but the monomers and chemical substances used to manufacture the polymers are required to be registered if imported into GB above 1T per annum (the same as EU REACH). BASA are producing templates, guides, and advice to BASA member companies and these are available on the Members-only area of the BASA Website [www.basa.uk.com](http://www.basa.uk.com). You must be a BASA Member Company to access this additional information, but BASA have also decided to produce this open advisory note.

#### Regulations

UK REACH is made up of five regulations:

- [The REACH etc. \(Amendment\) Regulations 2021](#) SI No.904 2021
- [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) SI No. 1577 2020
- [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 3\) Regulations 2019](#) SI No. 1144 2019
- [The REACH etc. \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2019](#) SI No. 858 2012
- [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) SI No. 758 2019

#### Key Dates

- 1st Jan 2021 – UK REACH came into force
- 30th April 2021 – Grandfathering deadline – now passed
- 27th October 2021 – DUIN/Only Representative Inquiry/Notification
- 27th October 2023 – first registration deadline
- 27th October 2025 – second registration deadline
- 27th October 2027 - third registration deadline

Deadline	Tonnage	Hazardous property
27 <sup>th</sup> October 2023	1000 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 substances (as of 31 December 2020)
27 <sup>th</sup> October 2025	100 tonnes or more per year	Candidate list substances (as of 27 October 2023)
27 <sup>th</sup> October 2027	1 tonne or more per year	

#### DISCLAIMER

*BASA shall not be responsible for the use of this information which is provided in good faith to help understand obligations under UK REACH. The information is valid as at the date of the publication and you must make your own determination of its suitability and completeness for your own use*

## Definitions

- Grandfathering – for existing EU REACH registrants, grandfathering gives the ability to defer registration obligations for 2, 4 or 6 years.
- DUIN - Downstream User Import Notification – Gives first time UK REACH registrants who had previously been downstream users under EU REACH the ability to suspend registration obligations for 2, 4 or 6 years.
- OR – Only Representative – provides a GB legal entity to non-GB based companies, taking on the role of importer and being responsible for UK REACH registrations.

## Requirements

All GB-based legal entities intending to import a substance into GB at or above 1 tonne per year are now required to submit a registration to HSE for that substance.

## Transitional Provisions

If this GB based legal entity is a former EU REACH downstream user or distributor or they were regarded as a downstream user by virtue of an Only Representative (OR) agreement, transitional provisions were put in place that aim to help minimise disruption to your business.

Transitional arrangements will defer (or suspend) any full registration obligations for up to 6 years from 27 October depending on tonnage bands. These arrangements are known as Downstream User Import Notifications (DUINs).

The DUIN process, is a process whereby all existing downstream users (or GB importers) of substances and substances in mixtures, notify the use of these substances to HSE so that these substances can continue to be imported into GB. **The DUIN process is for all substances imported into the UK over 1T/year INCLUDING all substances in mixtures.**

After 27th October, if a DUIN is not in place and the substance/manufacture combination is not grandfathered then import of more than 1T per year will not comply with the UK REACH duties in respect of GB.

The DUIN is NOT a pre-registration and after the tonnage band deadline, an article 26 inquiry will need to be submitted. It is expected that where there are multiple registrants for a substance, this information will be submitted jointly and the information requirements for registration under UK REACH will be identical to the requirements of EU REACH under the current legislation in place.

Only GB legal entities have obligations/duties and **not** EU suppliers exporting their substances and mixtures from the EU to GB. **It is therefore GB customers of EU suppliers who have the duties in respect of UK REACH – this is the same as EU REACH.**

## Grandfathered Substances

DEFRA have recently released the list of grandfathered substances

<https://www.gov.uk/government/publications/uk-reach-grandfathered-registrations-notified-substances-list>

There is no indication of which legal entity has grandfathered the substance and therefore all current GB downstream users will need to submit a DUIN to cover all the substances that they know or that they think might be in their mixtures, even if their substance is on the grandfathered list, because their supplier may not have grandfathered. Although it is still 'one substance, one registration' this is misleading because (as with EU REACH) It is one substance, one registration for each GB manufacturer or importer (or OR if appointed).

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