



UK Analysis of Potential Impact on Aerospace & Defense and its Chemical Supply Chain

REACH



UK REACH applies in Great Britain (GB) (England, Scotland and Wales) from the 1st of January, 2021. This fact sheet has been provided in good faith and has been based on the best information available. It is to be relied upon at the user's own risk. IAEG and the authors of this fact sheet make no representation or warranties with regards to its completeness and no liability will be accepted for damages of any nature whatsoever resulting from the use of or reliance on the information included. © 2021 International Aerospace Environmental Group. All rights reserved. No part of this fact sheet constitutes legal advice.

UK REACH

The UK has left the EU, and the EU REACH Regulation no longer applies in the UK, except in Northern Ireland which continues to be subject to EU REACH.



The EU and the UK REACH regulatory systems are independent from each other



Companies will have to comply with both EU and UK REACH



Distributors and users buying across the EU and UK have new importer obligations



There are special transitional arrangements for Northern Ireland [HERE](#)



UK REACH OVERVIEW



UK REACH retains the fundamental EU REACH's aims and principles of:

- “No data, no market”,
- The “last resort” principle on animal testing,
- Access to information for workers and,
- The precautionary principles



The UK Government has established transitional arrangements and guidance resources to help the UK industry and its supply chains.

The following summary highlights some of the key transitional arrangements, key deadlines, actions and risks.

UK REACH TRANSITIONAL ARRANGEMENTS

AUTHORISATION



- ✓ Granted EU REACH Authorisations held by UK companies will be recognised in the UK.
- ✓ Granted Authorisations held by upstream suppliers in the EU will continue to be recognized in the UK.
- ✓ Applications for Authorisation (AfAs) submitted by UK companies that have not been granted must be re-submitted to the UK HSE.



UK REACH establishes new Sunset Dates (SD) and Latest Application Dates (LAD) of 30 June 2022 for AfAs submitted under EU REACH before the applicable EU LAD, but that have not been granted.

- ✓ The UK LAD and SD date corresponds to 18 months after the end of the transitional period (Jan 1, 2021).
- ✓ Allows continued use for the additional period.
- ✓ A UK Authorisation application must be submitted before 30 June 2022 for use beyond that date.
- ✓ UK Applications can be submitted by either UK downstream user (DU), another upstream applicant, or an appropriate Only Representative (OR).

UK REACH TRANSITIONAL ARRANGEMENTS

REGISTRATION



Transferring existing UK Registrations into the UK REACH system:

- ✓ EU REACH registrations held by UK-based companies, including those held by UK-based Only Representatives (ORs), will be grandfathered into the UK regime and any registration that has a relevant past connection with the UK (article 127A) will also be recognized in the UK.
- ✓ Grandfathering will allow for notification in the short term (120 days), with full registration required in a 2-, 4- or 6-year timescale depending on volume and the hazardous properties of the substance.



Companies that import chemicals from European Economic Area (EEA) countries have new obligations for Registration:

- ✓ To continue to be regarded as DU for a period of time, provided that they notify UK HSE by 26 October 2021, by making a Downstream User Import Notification (DUIN).
- ✓ Full registration for imports > 1 tonne pa is required in a timescale of up to an additional 6 years depending on volume and the hazardous properties of the substance.
- ✓ An OR in the UK may be appointed by any non-UK producer, formulator or article manufacturer for the purpose of fulfilling importer obligations, including making DUINs.

UK REACH REGISTRATION DEADLINES

28 OCTOBER
2023

- **1000 tonnes** or more per year
- Very toxic to aquatic organisms:
100 tonnes or more per year
- Carcinogens, Mutagens & Reprotoxins (CMRs) for and Substances on UK Candidate List as of 31 December 2020:
1 tonne or more per year

28 OCTOBER
2025

- **100 tonnes** or more per year
- Substances on UK Candidate List substances as at 27 October 2023:
1 tonne or more per year

28 OCTOBER
2027

- **1 tonne** or more per year

EXCLUSIONS:

Radioactive substances, substances under customs supervision, the transport of substances through the UK that do not enter the UK customs territory, non-isolated intermediates, waste, and some naturally occurring low-hazard substances will be excluded from the scope of UK REACH, as they are from EU REACH.

AUTHORISATIONS & RESTRICTIONS

ECHA Candidate list **(as of 31 December 2020)** will be transposed into the UK candidate list.

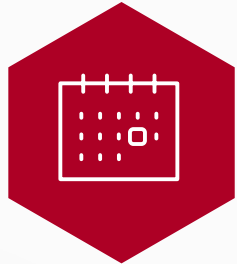
Authorisation List (Annex XIV) of EU REACH Regulation **(as of 31 December 2020)** will be transposed into UK REACH Regulation.

Restrictions listed in Annex XVII to the EU REACH Regulation **(as of 31 December 2020)** will be transposed into the UK REACH Regulation.

Updates to the Candidate List, Annex XIV and Annex XVII in UK REACH will be based on the same legal conditions and criteria as EU REACH.

There are no obligations or commitments to maintain alignment with EU REACH after UK REACH came into force. Whilst the principles of operation are the same, some divergence should be expected.

REGISTRATION ACTIONS & RELEVANT DATES



Users of Substances Registered in EU Countries

Companies procuring substances on their own, in mixtures or in articles for intended release from EU/EEA suppliers will become importers under UK REACH.

Downstream users of such substances in the UK importing > 1 tonne per year will need to complete DUINs based on information available in the Safety Data Sheet.

- Full registration will also be needed.
- This notification provision also applies to Imports from 3rd countries coming to the UK directly, if covered by an OR based in another EU/EEA country.
- See Article 127E.

2021

UK-based holders of EU Registrations

- Grandfathering applies to all Registrations (including intermediate) held by UK-based EU REACH registration holders, whether as Manufacturer, Importer or OR.

Phase 1

Complete DUIN by **Oct 27th, 2021**

Notify by **April 30th, 2021**

Phase 2

Full registration within **2, 4 or 6 years post Oct 28th, 2021** depending on tonnage band/hazardous properties of substance:

- As an importer submit full UK- REACH Registration, or;
- Get the EU/EEA exporter to submit a full Registration via a UK-based OR, or;
- Switch to a UK supplier with their own UK registration or;
- Lower import below 1 tonne/year.

Within **2, 4 or 6 years post Oct 28th, 2021** depending on tonnage band, provide full registration data under UK REACH.



AUTHORISATION ACTIONS & RELEVANT DATES

UK-based REACH Authorisation Holder where the European Commission has granted an authorisation decision

Provide UK HSE with the technical information relating to the Authorisation by **March 1st, 2021.**

- Any conditions of use and review period for an existing authorisation will be carried over into UK REACH.
- Article 127 F.

2021

UK Downstream User of the above applicant

Notify use to HSE by **March 1st, 2021.** Refer to UK REACH Guidance.

- Article 127 H applies.




I am a GB-based DU of an existing EU REACH authorisation granted by the European Commission before the 31st Dec 2020 and held by a UK or an EU/EEA company. To be able to continue to use that substance in accordance with that authorisation within 60 days of the end of the transition period I have to:

- ✓ Confirm to the Agency (HSE) that I am an existing authorised downstream user under EU law in relation to the substance, and
- ✓ Notify the Agency (HSE) with the information required

✓ TRUE

You have to notify the HSE with the information required and confirm that you are a DU.

 [GB-based DU of an existing EU authorisation \(Art 127h\)](#)

My company imports articles to the EU and the UK and has already notified ECHA that substances listed in the Candidate list are present in those articles, therefore we don't have to notify the UK HSE.

✗ FALSE

Importers and producers of articles must notify the UK HSE if a substances listed in the candidate list (SVHC) are present in their articles.

 [HSE Guidance Notifying substances in articles](#)



WORTH THE RISK?

Risks come from two sources:

- 1** New obligations in the UK (except for Northern Ireland)
- 2** Changes to existing EU obligations applying to supply from UK (except Northern Ireland) into the EU (including Northern Ireland)



Re-registration costs in either UK or EU

- Access to data from existing EU Substance Information Exchange Forums (SIEFs) may be costly to registrants, and require significant negotiation.
- Downstream users may not have the capacity to act as importers and take on the burden associated with UK registration obligations.
- Lack of access to EU REACH data since there is no data share agreement between the EU and the UK.



Supply chain disruption

- Overall costs for EU manufacturers may not be justified by the size of the UK market alone, resulting in substance withdrawal.
- Lack of transparency in registration intentions leads to supply chain impacts.
- Downstream users (formulators) failure/inability to act as importers and register substances may impact on the availability of mixtures (i.e. secondary, tertiary and quaternary mixtures) on the market.
- Delays in gaining authorisations creates business uncertainty and/or unwillingness of EU manufacturer to support the burden and costs of preparing a UK Authorisation.



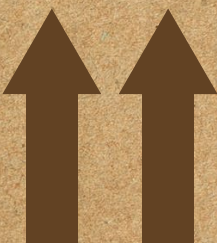
Costs of managing obligations and diverging lists in the two separate jurisdictions

- Managing authorisations in two jurisdictions with different review periods.
- Potential for different decision outcomes (i.e. on an Application for Authorisation) under the two regimes.



Confusion due to parallel similar but not identical regimes

- Due to differences in time frames and processes for decision making under UK REACH on Applications for Authorisation.
- Due to the management of the candidate list, authorisation list, authorisation review dates and restrictions in the two jurisdictions.
- Due to differences in interpretation of science and to scope.



RESOURCES

Original Statutory Instrument:

Statutory Instrument 2019 No. 758 – ensures the UK has an effective system of chemicals regulation after leaving the EU.

Note, this regulation amends the existing EU Regulation as its basis and therefore it needs to be read alongside EU REACH.

In addition, current UK Guidance makes provision for registration extension dates beyond those currently provided in the UK Statutory Instrument 2020 No. 1577: [SI 2020 No. 1577](#).

Additional Statutory Instruments are envisaged.

Amendments:

Statutory Instrument 2019 No. 858 – (1) substitutes a new Article 127E to clarify that pre-exit UK downstream users and distributors are to continue to be regarded as UK downstream users and distributors depending on whether there is a protected transitional import of the substance by the UK user or distributor and (2) a new provision [article 127EA] to accommodate the appointment of an Only Representative where article 127E applies.

Statutory Instrument 2019 No. 1144 – inserts a new transitional provision [article 127GA] relating to applications for authorisations to use chemical substances of very high concern between 27 March 2017 and end of Implementation Phase where no EU REACH substance Authorisation has been granted for a submitted AfA.

UK GOVERNMENT GUIDANCE

[UK REACH Guidance](#)

Other Regulations that you might need to comply with:

- Export and import of hazardous chemicals ([GB PIC](#))
- Biocides – [GB BPR](#)
- Classification, Labelling and Packaging Regulation ([GB CLP](#))
- The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations ([RoHS](#))
- [RoHS - Guidance for economic operators](#)
- The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 ([POPs Regulation](#))

Webinar recordings REACH - CLP- PIC- BPR:

- [Regulating chemicals after the transition period playlist](#)



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*WE'RE JUST
GETTING STARTED*



IAEG
INTERNATIONAL AEROSPACE
ENVIRONMENTAL GROUP
10-YEAR ANNIVERSARY

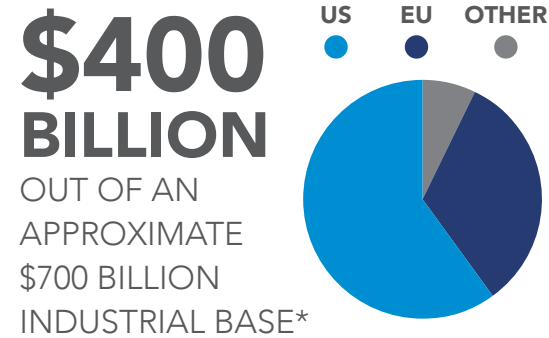
The International Aerospace Environmental Group (IAEG) is a non-profit organization of nearly 50 global aerospace companies who collaborate to deliver innovative solutions to benefit the global aerospace industry. IAEG serves as a collective space for industry leaders to develop voluntary consensus standards and solutions for environmental and chemical regulatory and sustainability challenges that all member companies face.

For 10 years, members have worked together to tackle climate change, champion chemical stewardship, engage the supply chain and foster environmental sustainability. IAEG endeavors to contribute to a responsible and sustainable aerospace industry. Every year we publish multiple regulatory alerts, topical reports, and factsheets. All resources are public and intended to share information on industry-wide opportunities for the promotion and adoption of global environmental requirements.

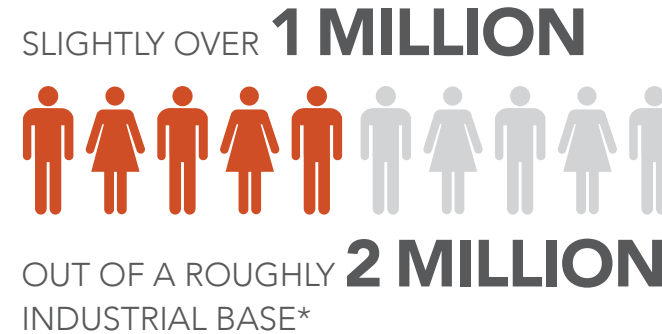
In addition, IAEG provides opportunities for wider education on environmental issues and the supply chain via our meeting agendas and bespoke seminars. IAEG is the only global aerospace organization collaborating across the industry to address environmental and sustainability aerospace challenges. With almost 50 member companies, IAEG represents more than half the global aerospace industry. In 2021 and beyond, we will expand and accelerate our impact on the industry and in the world. We're just getting started. Join us, as we change the future of aerospace.

For more information on IAEG and to see a full list of members, [visit our website today](#).

REVENUE FOOTPRINT



EMPLOYMENT FOOTPRINT



*Deloitte, 2014 Global aerospace and defense sector financial report

SOLUTIONS

COMPLEX AND INNOVATIVE PRODUCTS THAT LAST **DECADES** IN THE MARKETPLACE



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