



How to manage costs when appointing a UK REACH Only Representative



What is UK REACH?

UK REACH provides the regulatory framework for chemicals in Great Britain (GB).

Under the European Union (Withdrawal) Act 2018, EU REACH Regulation was brought into UK law, with the necessary changes to make it operable in a domestic context. The key principles of the EU REACH Regulation were retained and the regime known as UK REACH came into force at 11.00pm on 31 December 2020 when the transition period ended. REACH stands for Registration, Evaluation, Authorisation and Restriction of Chemicals.

Companies that import, manufacture or use substances, mixtures and/or articles on the GB market (i.e. England, Scotland, Wales and associated islands) must comply with the new UK REACH regulation.

Companies that are familiar with the EU REACH regulation will have a good head start but there will be challenges that need to be overcome before continued GB market access is guaranteed.



How can non-GB manufacturers and formulators help their GB customers with UK REACH?

Registration

Companies that import more than one tonne of a substance per year into GB are required to make a registration unless an exemption applies.

Companies outside of GB may export to the market; it is their GB-based customers (i.e. the importers of substances or mixtures) that are the duty holders. Non-GB manufacturers or formulators may want to appoint a GB-based Only Representative (OR) to undertake registrations on their customers' behalf. Not only does this relieve their GB-based customers of the burden, moving their REACH status from importer to downstream user, it also means that non-GB companies' products remain competitive on the GB market.

Authorisation

Substances that are listed on the authorisation list must have an authorisation granted in order for their placing on the market and use to continue after their sunset date, unless an exemption applies.

Some non-GB companies that are exporting these substances, either on their own or in mixtures, into the GB market can appoint an OR to act on their behalf. As with registration, this action may benefit the non-GB company, allowing their products to remain competitive and continue market access.



What are the key deadlines for appointing Only Representatives?

UK REACH Only Representatives can be appointed at any time now that UK REACH has been made law. It is important to appoint an OR before the applicable regulatory deadlines to prevent interrupted market access.

When appointed, an OR can undertake all obligations on your behalf related to UK REACH registration and authorisation.

Registration

Deadline	Action	Tonnage	Hazardous property
28 October 2021	Downstream User Import Notification (DUIN)	n/a	n/a
28 October 2023	Registration	1000 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 substances (as of 31 December 2020)
28 October 2025	Registration	100 tonnes or more per year	Candidate list substances (as of 27 October 2023)
28 October 2027	Registration	1 tonne or more per year	



Authorisation

Non-GB companies that are exporting substances on the authorisation list to the GB market can appoint an OR to act on their behalf. The deadlines will vary for each company's situation and that includes the substance of concern. European Commission-decided EU REACH authorisations will be carried into UK REACH; there are transitional arrangements that apply to authorisation applications that were still in process at the time of the UK's exit from the EU.

Deadlines for authorisation compliance actions should be identified on a substance-by-substance basis.

How to manage costs when appointing an Only Representative?

Undertake a compliance assessment

Many companies operate with complex supply chains crossing international borders that can create regulatory requirements. By creating a supply chain map for each of your products and confirming where regulatory obligations are triggered, you can build a list of compliance obligations that apply to your products. The ideal outcome of this kind of compliance assessment is a short list of substances where compliance actions are required.

Select the right OR for your business

Not all Only Representatives offer the same kind of service. Some offer fixed fee services, others charge on time and materials, and many offer a combination of both. The fee structure presented by an OR can make it difficult to determine actual compliance costs. Therefore, it is good practice to obtain proposals from multiple service providers and clarify the costs per substance or per regulatory deadline.

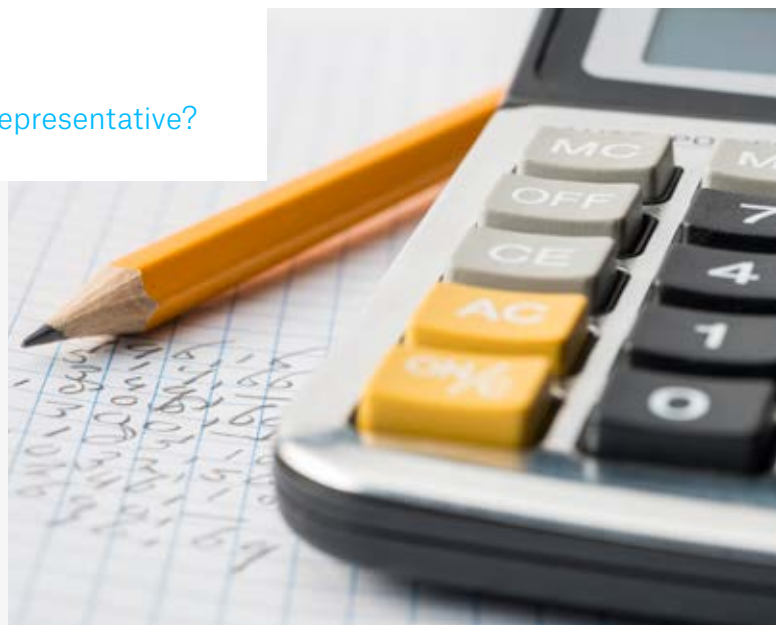
Additionally, some Only Representatives provide a 'bare bones' service where they will not take any action to maintain registrations or authorisations once they are submitted. If your company wants to proactively manage compliance risk, or has a complicated portfolio that may contain substances of concern, then it would be better value to appoint an OR that can stay ahead of these challenges.

Make more notifications than you may need

The UK HSE does not charge companies for making Downstream User Import Notifications (DUINs). Therefore, it makes sense to submit a DUIN for as many substances as you think you will need so that you have the option to register those substances ahead of the appropriate deadline without having to go through additional processes.

Maintain accurate information on volumes

For registration, only non-exempt substances imported by GB customers in quantities greater than 1 tonne per year need to be registered under UK REACH. By maintaining accurate records for your substance export, your company can quickly identify substances that meet this threshold and take the necessary action. For registration, no action is required if imports are less than 1 tonne per year. However, there is no such volume threshold for authorisation.



Under the Withdrawal Agreement, Northern Ireland (NI) will operate the EU REACH regulation to ensure that there is frictionless movement of goods on the island of Ireland while still being part of the UK customs territory. This means that non-GB actors could exclude volumes of substances exported to NI when calculating tonnages for UK REACH registrations.

Create a calendar for compliance actions

The UK REACH regulation has transitional arrangements to allow companies to continue to access the GB market while staying compliant with the regulation. For registration, create a calendar of compliance actions based on the following criteria:

- What substances should have a DUIN?
- What is the registration deadline for each substance, based on volume or intrinsic hazard?
- When does your OR need to schedule the submission in order to meet the deadline?



Having a calendar of compliance actions allows your company to appropriately budget for each financial year

About TSG Consulting ▾

TSG takes a proactive approach as an Only Representative. When appointed, we become a duty holder under the regulation, working with clients to manage compliance risks as they arise. TSG also continually reviews proposed changes to the regulation so that we can identify potential impacts on your product portfolio. By getting ahead of these challenges, our team of experts can protect your market share.

TSG works with clients on a time and materials basis. We only charge clients for the work that we do.

With our UK head office in Knaresborough, North Yorkshire, we also have offices across Europe and North America.

TSG is a member of the Only Representative Organisation (www.onlyrepresentative.org).

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Interested in learning more?

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