

# UK's approach to managing chemicals of concern under REACH: Building on progress

## Background

Although similar in structure, EU and UK REACH regulations are now implemented independently from each and other, inevitably having important implications for businesses with commercial interests in both markets. Due to the highly interconnected nature of chemicals supply chains, the issue of divergence can lead to additional costs and delays between trading partners. Concerns have also been raised that the UK is falling behind in managing chemicals under UK REACH and in turn should consider being a 'rule taker.' This paper aims to inform this debate as well as set out our views for a more explicit government policy.

## EU REACH vs. UK REACH: Current status

As with EU REACH, the UK has retained its long-standing policy approach and principle on SVHCs and how they are regulated under UK REACH. This includes:

- Including SVHCs on the candidate list for authorisation should be used to encourage substitution away from particularly hazardous substances.
- The Regulatory Management Options Analysis (RMOA), informed by calls for evidence, should be used to determine if inclusion on the candidate list is the correct route.
- Alternatives to SVHC listing / authorisation should be considered as part of the RMOA which should always take place at the earliest stage of the selection process. Authorities should assess whether authorisation or restriction are the most appropriate regulatory routes to address substances of concern.
- A substance should not be proposed for inclusion on the candidate list unless it is a good candidate for the authorisation list. Not doing so, could lead to further delays and uncertainty in appropriately managing SVHCs.

### Candidate list inclusion for authorisation

EU candidate list	Number substances	UK candidate list	Number substances
Inclusion	main	Inclusion status	main
19/01/2021	2	no	6
08/07/2021	8	Under assessment	25
17/01/2022	4	To be assessed	1
10/06/2022	1	<b>Total</b>	<b>32</b>
17/01/2023	9		
14/06/2023	2		
23/01/2024	5		
27/06/2024	1		
<b>Total</b>	<b>32</b>		

Since the end of the Brexit transition period, the EU has identified 32 new SVHCs for inclusion in the EU candidate list for authorisation. As of today, the UK candidate list has not been updated with new additions to date but this doesn't mean that nothing is happening. On the contrary, all new EU additions are assessed and for a number of them (6), the UK authority has already concluded that inclusion in the UK candidate list may not be the best approach to follow under UK REACH (i.e. because the risk is already being managed under occupational health or sector legislation, the substance is being regulated at international level or it may be a lower priority for the time being due to low risk).

### Progressing authorisations

#### PRIORITISATION FOR AUTHORISATION REGIME

Substances prioritised in EU Inclusion authorisation list	Number substances	main
Added	5	
Postponed	13	
Awaiting decision	15	
<b>Total</b>	<b>33</b>	

Substances recommended in EU Inclusion UK authorisation list status	Number substances	main
Not assessed yet	7	
Under assessment	8	
Recommended for UK REACH authorisation	3	
Not recommended for UK REACH authorisation	15	
<b>Total</b>	<b>33</b>	

Since the UK is no longer part of the EU REACH decision making processes, the EU has prioritised 33 substances for the authorisation. As of May 2024, only 5 have completed the process and now require an authorisation to be granted for any continued use. For 15, the Commission still needs to decide, while for 13 it has postponed its decision. In many of these cases the delay in decision is due to the EU Commission considering whether authorisation is now the best approach having already been put forward for this regulatory route. This approach has left substances “in limbo creating delays and uncertainty for business, reinforcing the argument that identification of the most appropriate regulatory measure should take place at the earliest stage of the selection process. Furthermore, in the UK, the UK Agency has prioritised 3 substances for authorisation to date (final decision is expected to be taken by DEFRA with the Devolved Administrations). For these substances, an EU decision is not in place yet.

### Restrictions

EU Restrictions	Number of restrictions	UK restrictions status	Number restrictions
Restriction	13	Restrictions considered	13
2021	6	In progress	2
2022	1	No	11
2023	4	Total since 01/01/21	13
2024	2		
<b>Grand Total</b>	<b>13</b>		

The adopted EU restrictions remains a key source for identifying priorities for action under the UK REACH Programme. The UK authority also gives considerations to GB specific issues and concerns from stakeholders and civil society. In addition to the two restrictions in progress, further five substances/group of substances are currently being prioritised to better understand the risk and whether restriction is the most appropriate regulatory route for GB or the preparation of a restriction dossier is already ongoing.

## Our views and recommendations

Given the capacity of UK regulators, it is positive to see the UK is not pursuing regulation for the sake of it. The UK approach to policy decisions on whether to diverge or align with the EU should not be without purpose. While the UK should avoid “reinventing the wheel”, it is important that the regulator continues to give consideration to whether the proposed regulatory route is most appropriate. Most importantly, regulatory decisions in the UK must be based on sound science, justified and are taken in full transparency.

Whilst close bilateral cooperation on chemicals with the EU is welcome, we believe the UK government should concentrate on identifying its own priorities, identify early what subjects it feels it needs to pursue and those which it may not necessarily need to follow or duplicate. Going forward, UK REACH should continue to allow for stakeholder input and evidence before policy and regulatory decisions are taken. This includes the UK’s existing approach to managing risks associated with chemicals, which consists of an independent decision-making process based on monitoring developments in the UK and elsewhere.

*Note. The analysis on UK and EU regulatory activities provided in this position paper has been carried out using publicly available information from ECHA, HSE websites and UK REACH work programmes.*