



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020**

DATE **20 October 2020**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

SI laid in Parliament, which amends secondary legislation in a devolved area

The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020

The 2020 Regulations amend the following legislation:

EU Legislation

- Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals and establishing a European Chemicals Agency (REACH).

Domestic legislation

- The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019;
- The REACH etc. (Amendment etc.) (EU Exit) (No. 3) Regulations 2019; and
- The REACH Enforcement Regulations 2008 (Northern Ireland only)

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

The 2020 Regulations do not impact on the Senedd's legislative competence or the Welsh Ministers' executive competence.

The amendments ensure that the United Kingdom (UK) meets its obligations under the Protocol on Ireland/Northern Ireland to the withdrawal agreement ("the Protocol") and to place the Protocol on a legal footing in relation to the Regulations on the Registration, Evaluation, Authorisation and Restriction of Chemicals ("REACH"), as required at the end of the Implementation Period (IP). The instrument also provides for the continued access of

Northern Ireland (NI) goods to the Great Britain (GB) market.

The purpose of the amendments

The 2020 Regulations makes amendments to the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, the REACH etc. (Amendment etc.) (EU Exit) (No. 3) Regulations 2019 and the REACH Enforcement Regulations 2008 (Northern Ireland only).

The Protocol requires that Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006, concerning REACH and establishing a European Chemicals Agency, continue to apply to NI. Corrections are therefore required in order to correctly define the extent of the new domestic chemicals regime and ensure that GB enforcement agencies have the power to correctly apply a domestic REACH regime at the end of the IP.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://www.legislation.gov.uk/ukdsi/2020/9780348213300>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The majority of the amendments are necessary to ensure NI businesses are able to trade within the GB market and to ensure NI is not subject to double regulation. The remaining amendments are to make the new GB REACH regime more manageable for businesses, particularly small businesses trading in lower tonnages of lower-risk chemicals. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the Government's approach to the implementation of the Protocol.