

# Session 2: UK REACH- DUIN & Registrations Webinar

## Questions & Answers

**Info** Answers to Questions received before and during the webinar held on the 29<sup>th</sup> of September 2020

**File date:** 27.10.2020

#	Question	Answer
1	Will grandfathering applicable to our substances as we have transferred our UK OR obligation and appointed EU OR for continuing EU business?	<p>Yes, in accordance with the draft 'no deal' Statutory Instrument (SI), (Article 127A) an EU REACH registration held by a UK-based company is eligible to be grandfathered into UK REACH if it:</p> <p>(a) has a current connection with the United Kingdom, or (b) has a relevant past connection with the United Kingdom (but does not have a current connection with the United Kingdom).</p> <p>According to the SI, a relevant past connection is an EU registration that was held in the 2 years period before the exit day. This is to account for UK registrants who may have transferred their EU registrations in preparation for the UK's withdrawal from the EU. HSE informs that Defra (UK policy lead for REACH) is considering if this 2 year period should be extended to the date when article 50 was invoked (27th March 2017) to capture those registrations that may have transferred to EU27 early.</p>
2	What is DUIN stands for?	DUIN: Downstream User Import Notification
3	The UK REACH IT submission system has been tested, is it functional?	No information available currently, next review of HSE website on REACH is due on 2 <sup>nd</sup> Nov'2020.
4	Who can appoint a UK OR? Is it only the non-UK manufacturer or non-UK formulator or can a non-UK selling legal entity also appoint the non-UK OR?	Yes, only non-UK manufacturers and non-UK formulators can appoint UK based OR. No, a non-UK selling entity cannot appoint a UK based OR.
5	For the DUIN of substances imported >10tpa, how can the importer supply an SDS for monomers imported through a polymer. Same question for imported mixtures.	Safety Data Sheet (SDS) rules remain the same as for EU REACH. You should provide SDSs of polymers and mixtures as per REACH Annex II. More information will be available at HSE by the end of transition period.
6	For the DUIN >10 tpa, should the SDSs be a UK SDS?	<p>No, for now you can use same English language SDS as per EU REACH Annex II.</p> <p>Under UK-REACH, SDS requirement is likely to remain same as in EU REACH. More information will be available at HSE by end of transition period.</p>
7	As a company with both, Swiss and EU subsidiaries what obligation would our UK-customers need to deal with if we supply them from Switzerland instead form our EU-subsiary?	Imports to UK from Swiss will be treated same as imports from EU27 country w.e.f. 1.1.2021. Either UK-customer needs to perform the DUIN followed by registration or your Swiss manufacturing legal entity should appoint an UK based OR to fulfil DUIN and registration requirements in order to sell material to UK above 1tpa.

8	Do you really need to have a SDS available for all of your substances for the purpose of DUIN when you are supplying mixtures to UK?	Safety Data Sheet (SDS) should be provided wherever required. In this case you may supply SDS of mixture.
9	Supposing I use an initiator for polymerisation which accounts for only 0.001 % of the monomer, should I be registering the initiator separately provided that the volume of initiator imported in UK is less than 1 tonne?	No, registration is not required as the import volume of initiator substance stays below 1 tonne per annum.
10	If a non-UK Company imports a substance which contains an additive that stabilizes the substance (under EU-REACH it would consider a substance and not a mixture), must the additive be registered under UK-REACH if it's imported >1t/y or is it sufficient to register the substance (because the additive is considered part of the substance)?	It is sufficient to register the substance since the additive will be considered as part of the substance (but identify the additive as stabilizer in your dossier). The substance definition under UK REACH remains the same as in EU REACH.
11	From when will SDSs in UK need to be according to UK-REACH?	See answer to Q6
12	Do the UK importers need tonnage coverage certificates from the first transfer date in April or after the full registration date after 2, 4, or 6 years?	The requirement of tonnage coverage under UK REACH applies after completion of full registration.
13	Is it possible to late pre-register (late DUINs)	No, currently it is not possible to perform late DUINs under UK REACH. Any substances sold after 28 October 2021, the end of the DUIN submission period, shall be treated as new substances and must be registered first before they are placed on the UK market above 1tpa.
14	When you import mixtures including non-hazardous substances, you actually import substances you don't know what is. How do you "DUIN" them?	If you are importing mixtures, you will only need to supply details of the substances which you can detail that are contained in the mixture ( where you import 1 tonne or more of the substance per year), taking account of all the mixtures where the substance is present) to benefit from extended registration period, alternatively you may ask your supplier to complete DUIN if you don't have the substances information that are contained in the mixtures your import to the UK.
15	Is there a third-party solution to the DUINs, if the manufactures do not want to give 100% composition to the new UK importer?	Now there is no clear guideline on third party solution to this case.
16	Do you need to know the full EU-REACH registration number including the last 4 digits for the DUINs?	For DUIN it says the "Registration number(s) assigned by ECHA to the extent it is available to them" In case it is not possible to obtain full registration number you may use what is available.
17	Do you need to document that you were a downstream user before 1 Jan 2020 for the DUINs?	No, it is not necessary as from 1.1.2021 you need to decide how to comply with the DUIN requirement and registration as you no longer be a DU under UK REACH. Either you can comply as importer or ask your non-UK supplier to appoint an OR in the UK to complete DUIN and registration to again retain the status of DU under UK REACH.
18	Can UK-held EU REACH registrations already transferred to EU27 based country be grandfathered?	Yes, also see answer to Q1

<p><b>19</b> For the grandfathering process, is it applicable when we are lead or co-registrant or only when we are lead registrant in EU?</p>	<p>Grandfathering is applicable for both Lead registrant and co- registrant if the registrations are hold by UK based registrant. See detailed answer to Q1</p>
<p><b>20</b> What formats of EU IUCLID dossiers we can use to upload it in UK system and benefit of the grandfathering process?</p>	<p>EU REACH dossier in IUCLID (latest) format needs to submit to HSE to comply with UK REACH IT system. HSE to announce practical guidance by end of transition period.</p>
<p><b>21</b> For REACH registration dossier that is solely registered by UK company, this registration will not be valid in EU after Brexit, correct? does the lead registrant need to move legal entity to EU for REACH registration purposes</p>	<p>Yes, after 31 December 2020, the UK held EU REACH registration will not be valid to do business within the EU. This registration must be transferred to EU27 legal entity before the end of the transition period. It is not necessary to move the UK legal entity to the EU, your UK manufacturing legal entity can appoint an EU27 based OR or you can use your own EU-27 subsidiary as OR to make this transfer.</p>
<p><b>22</b> Can an importer do the DUIN and give it to an OR for the registration?</p>	<p>It is a business decision, you as an importer can do the DUIN or you can ask your non-UK supplier to appoint an OR in the UK to do the DUIN under UK REACH.</p>
<p><b>23</b> If you have an OR in UK and want to have both a registration in EU and in UK. Is the best strategy then to transfer the registration to an EU OR before end of 2020 and submit a DUIN in UK? If you only grandfather, the registration into UK REACH you will lose your EU registration.</p>	<p>Yes, you should change your UK OR to EU27 new OR and transfer the EU REACH Registrations to the new OR before the end of the transition period to maintain market access to the EU. If you also do business with UK, these transferred registrations will be eligible for grandfathering under UK REACH using a UK based OR.</p>
<p><b>24</b> what if a customer import 600 kg of a substance from one non-UK manufacturer and 600 kg from another non-UK manufacturer? Even if the manufacturers are both appointing ORs the separate tonnages are below 1 t/year but the total import for the UK company is above 1t/year.</p>	<p>The requirement of 1tpa applies if you use same legal entity to import the material into the UK, the source of supply can be different.</p>
<p><b>25</b> What about if there in the Substance Group are only companies with Inquiries or DUINs, no real Lead Registrant.</p>	<p>If there is not a lead registrant, you could opt for nominating yourself as Lead Registrant. If this is not an option, then the joint submission is not possible. Therefore, the substance can no longer be available or imported into UK above 1tpa after the registration deadline.</p>
<p><b>26</b> What is needed as proof of OR, is a simple letter enough?</p>	<p>A UK OR compliance certificate should be enough as long as the registration of the substance also covers the volumes exported by the Non-UK manufacturer to the UK and that are imported into the UK.</p>
<p><b>27</b> What is the role of REACH for battery manufacturing company? Is it required for battery manufacturing company?</p>	<p>Batteries are articles (not chemicals) and shall not be registered as such, however you should comply with the requirements of articles (e.g. substances in articles). In some cases, registration requirement may apply to certain substances in article. Therefore, you should consider issuing a company statement for batteries, such document should clarify your role in the supply chain and compliance status.</p>
<p><b>28</b> EU manufacturers with EU REACH registration have to pay for new UK registrations and are not eligible for grandfathering?</p>	<p>EU based REACH registrants must register under UK REACH if they do business in the UK and are not eligible for grandfathering.</p>

<p><b>29</b> Does a registration have to be active by the end of 2020 to be grandfathered into UK REACH or is it possible to grandfather an inactive registration which was active sometime between March 2017 and the end of 2020?</p>	<p>You should also consider transferring inactive registrations to EU27 based entity as long as these are not revoked by ECHA. You should obtain needed instruction from ECHA.</p>
<p><b>30</b> Is DUIN similar to pre-registration within EU REACH?</p>	<p>No, DUIN is different as you still need to submit inquiry to complete registration.</p>
<p><b>31</b> In case a DUIN is done, does the inquiry still have to be submitted?</p>	<p>Yes, after DUIN an inquiry needs to be submitted followed by registration.</p>
<p><b>32</b> Does UK REACH apply to all non-UK countries or does the UK have agreements with any countries (ex. Switzerland or the commonwealth)?</p>	<p>UK REACH will apply on the UK upon the end of the transition period.</p>
<p><b>33</b> Is it possible for the non-UK supplier to register substances under UK-REACH instead of the importer? In this case the importer would be DU again?</p>	<p>Yes, it is possible. In this case the non-UK supplier must appoint an OR in the UK to fulfil the obligations of importers such as DUIN followed by full registration. In such cases importers would be regarded as DUs again.</p>
<p><b>34</b> Can I purchase UK-REACH substances from outside the UK and supply them to the UK even if I am not the registrant? Similar to re-import to EU.</p>	<p>To apply re-import case the UK-REACH registration must be done by a UK based manufacturer and the buyer must be located outside the UK who conducts business of his product containing same registered substance(s). The re-import rule under UK REACH is the same as in EU REACH.</p> <p>If UK REACH registration belongs to a UK based OR then you need to ensure that volumes are covered by your supplier's OR and is UK-REACH compliant, this is not a re-import case.</p>
<p><b>35</b> If the company registered a substance for imports from US and registration was held in the UK and then moved from UK to EU, after grandfathering what supply chain will this cover?</p>	<p>Assuming that the US company has originally appointed a UK based OR for EU REACH and recently transferred registration to EU27 based OR to conduct business with EU; the EU REACH registration will now exclude volumes previously sold to the UK. However, to do business in the UK the US company will need to appoint a UK based OR to apply for grandfathering under UK REACH and complete registration. This OR registration of US company should only cover imports into UK.</p>

### CONTACT FOR FURTHER QUESTIONS

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