

From: [Rosie Brian](#)
Subject: HSE- Defra webinar 20th Jan 2021: REACH breakout room
Date: 25 January 2021 09:01:53

Dear Delegates,

Thank you for attending our webinar on 20th January 2021. We hope you found it useful. It has subsequently come to our attention that some potentially misleading or incorrect advice was given. We apologise for this. These issues are explained below.

1. In response to a question about distributors appointing an Only Representative under UK REACH our response was to say this was possible. This was incorrect; distributors are not included in Article 8 of EU REACH or UK REACH and as such cannot appoint an OR. An early version of UK REACH that existed before publication of any of the Statutory Instruments adapting REACH for application in the UK had included such a provision in error; it was deleted before publication. This early version could be the source of the error on our part.
2. During a series of questions about new importers after 1st January 2021, we said that such companies would need to register and couldn't be covered by a Downstream User Import Notification (DUIN). This is correct, but there could have been some confusion as GB companies that had previously been importers from outside the EU/EEA and who were covered by a EU27/EEA based Only representative can submit a DUIN. This DUIN could be submitted by the importer or by an OR appointed to take on that duty. This is covered in Article 127E. The questions being addressed at the time were about new importers who are performing the import for the first time on or after 1 January 2021. Previously, (whilst subject to EU REACH) companies who are importing a substance for the first time could have been included under an OR arrangement; however, to qualify for a DUIN the importer must be an existing downstream user or distributor (or regarded as one due to an OR being appointed before exit). This is defined in Article 127E and to qualify the import must have occurred in the 2 years prior to exit. New importers do not meet this criterion and so can't submit DUINs. It follows that if the importer can't submit a DUIN, an OR can't submit one on their behalf.

Thank you again for attending the webinar and apologies for any confusion we created.

Kind regards,
Rosie

Dr Rosie Brian | External Communications and Stakeholder Engagement | Health & Safety Executive

Chemicals Regulation Division, 1B Mallard House,
Kings Pool, Peasholme Green, York, YO1 7PX

Tel: 07773472651

Rosie.Brian@hse.gov.uk

www.hse.gov.uk/CRD

Follow HSE on Twitter @H_S_E

Please note : Incoming and outgoing email messages are routinely monitored for compliance with our policy on the use of electronic communications and may be automatically logged, monitored and / or recorded for lawful purposes by the GSI service provider.

Interested in Occupational Health and Safety information?

Please visit the HSE website at the following address to keep yourself up to date

www.hse.gov.uk
