

CRSHG Spring Meeting via Zoom 16th March 2021

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Attendees

First name	Surname	Company
Aaron	Turrall	Fsi Ltd
Alan	Ritchie	WSP
Alison	Hill	Lomon Billions
Anthea	McAllister	Gulf Oil
Binny	Todd	Whitesea & Baltic
Caroline	Simpson	Colourscapes
Claire	Walker	Stephenson Group
Colin	Pratt	Colin Pratt Consultant
Colin	McGregor	Marott Graphics
Dominique	Dugue	Baker Hughes
Emily	Jones	Axchem
Graham	Cox	Libra Speciality Chemicals
Helen	Morris	Lambsons
James	Watson	Town End (Leeds) PLC
James	Watson	Town End (Leeds) plc
Janet	Greenwood	TT Environmental
Jenny	Hodges	Tata Steel
Joanna	Sacks	CLEAPSS
John	Parkes	Agrochemex
John	Rawson	Sholkem Chemie Associates
Joss	North	John Hogg
Julian	Sarkar	Zanos
Julie	Woolin	Dixon Chew
Karen	McAvoy	Amox Chemicals
Karin	Van Daele	Milliken
Karine	Ellis	Colour Synthesis Solutions Ltd
Kerry	Knowles	CPG
Lee	Walker	Ralken Colours
Louise	Copeman	Brenntag
Mick	Goodwin	WSP
Neil	Hollis	BASF
Nicola	Kaye	
Peter	Godfrey	CEA Research Associates
Rachel	Griffiths	BASF
Richard	Lee	European OGD
Sam	Golliker	Lubrizol
Sarah	McLellan	TT Environmental
Steve	Marks	Airedale Chemicals
Suzanne	Alecrim	Pricecheck.com
Thomas	Bamford	Vickers Laboratories Ltd
Vikki	Binns	Meridian Biotechnology

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Apologies

Gina	Dungworth	Thornton & Ross
Graham	Butterworth	Datalase
Jonathan	Dale	Exponent
Sarah	Handford	Prime Surfactants

1 Meeting preliminaries (start of recording)

Mick Goodwin

We'll crack on morning, everybody. Hope you are all well.

We'll just go through a few housekeeping rules, if everyone can stay on mute, unless you want to participate, I will try and get to everyone, if you have something to add to a comment or to contribute to the group 'wave', use the hands up or the directions thing, I'll put something in Chat and we'll try and get to you. It's a little difficult to chair over Zoom, but I think we do okay.

As always, the purpose of this group is a Self-Help Group for the chemical industry, particularly focused SMEs, most of us I think, the majority of you guys are from small-medium enterprises. We have a few bigger companies, and a couple of consultants as well in the room to guide us with some expert advice if we need it.

As always, everyone is welcome to contribute in their own way. We all come from different backgrounds from different starting points with different levels of knowledge. So there, no such thing as a silly question, we're all here to help one another and please bear in mind, Anti-Competition Law and Confidentiality and things like that as well.

So we'll crack on with the first agenda item, which is not surprisingly chemical trade and Brexit. Julian, I think you have something you want to raise.

2 Animal Food Products

Janet Greenwood

it was just if anybody can help with that food stuff, animal food stuff.

Julian Sarkar

We have a, this company we deal with quite some extensively on the other side of that business is very large, reputable company, very professional. They deal a lot with animal feed products and what they need us because of Brexit is for somebody to act on their behalf within the animal feed body within the UK. And I understand it needs to be somebody who is currently or intends to actively import animal feed products who needs to work on my behalf? It could be quite worthwhile, shall we say.

Janet Greenwood

Peter Godfrey, do you know somebody in this kind of situation?

Peter Godfrey

I can't think of anyone in the UK to be honest, who deals with animal free products? Because registration so quite complex?

Julian Sarkar

Exactly.

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Peter Godfrey

The company I was referred to many years ago was Pen & Tec, but they're based in Barcelona. I don't think I set up anything in the UK.

(JG note – after the meeting, I discovered they are offering this service to the UK, although you should check that they have a UK legal entity or partner to enable them to do this, see <https://pentec-consulting.eu/uk-authorisation/>).

Julian Sarkar

Yeah, this company have all the necessary. registrations within the EU. They're based in Germany. But it's definitely UK has become quite complicated for them. There are companies who do it, but they are their competitors, the ones I'm aware of.

Peter Godfrey

Yeah, I would have thought they could have gone through a third party consultant to do it on their behalf.

Julian Sarkar

I did ask somebody who does REACH and he sent out all the requirements and it is quite different.

Louise Copeman

Yeah, it's Louise. And we do have a feed department, if you like (well of two people).

I'm not sure that's what you're looking for at all. But I mean, if they help, I mean, you can have their names. No problem.

Julian Sarkar

If you could send that to me, please that would be useful.

Louise Copeman

Yeah, absolutely Julian.

Julian Sarkar

And this is not familiar, as I say this company. We deal a lot with them on either side of the business, but they are stuck at the moment with the fee Registration type requirements.

Louise Copeman

Yeah, we do have that kind of department, whether it's what they don't know about, I can view I can give you the contact.

Karen McAvoy

Hi Julian, there's a couple of people I used to know because many years ago I used to be involved on that side on with Antioxidants going into that.

So it might take a few days to try to try and track them down via social media etc or email my old contact, see if I can get a number for you. But they were definitely in that area.

Julian Sarkar

This is specialist. Very specialist.

Janet Greenwood

Well, that's great. Alan, do you have anything to add?

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Alan Ritchie

Sorry, I spoke at the last one. And I didn't realise I was still on mute. So probably nobody actually heard what I said. But the answer was I didn't have anything. Thank you.

Janet Greenwood

No problem. No, thanks. Okay. Well, what I can do is, if people want to send direct to Julian, or send through to me, whichever we can make sure that the information if you're happy for the information on contacts to go in the meeting notes, we can do that.

3 Trade and Brexit

Mick Goodwin

Thank you. John Rawson, do you want to raise the next point on trade and Brexit?

John Rawson

I think this moment in time has never been more important for cooperation between like-minded SMEs and our chemical group members. Because Post-Brexit, and Covid, and REACH are all interlinked, in my view. And things are very complicated.

I've heard some horrific stories, since the first of January about Exporting. Most SMEs, in our group, I would have thought, apart from the UK, the main market is the EC. And because of post Brexit and changes to REACH registration, we've all got a lot of work to do.

From our point of view, we've had to go from a importer under REACH to OR and that throws the control of the REACH registration away from us, somewhat to our partners who could be outside Europe. Luckily, in our case, we, have very close contractual arrangements, and friendships, that should preclude any problems.

But I'm noticing that, if you've got any stocks, and there'll be a lot of people in our group, we've got stocks, Post Brexit or Pre-Brexit in the UK, then you've got a major problem with exporting and duties for instance. You pay in duties twice, to HMRC, you have got to bring it in and pay duty and VAT. And you've got to send it out and if it's Pre-Brexit, you've got another 5 or 6% duty to sell it to your customers, and they're not going to pay for it.

Add to that, this week was the first time out any recognition from anybody in the UK about registering for UK REACH. And I see this a link today from Janet, that people are baulking against paying extra cash.

I know we talked about that in the meeting. But it's something that will keep coming up and going on from there, import and export need EORI numbers to do that business in Europe. And then you've got the issue. In each country in Europe, you need local VAT registration, to continue your sales there, or otherwise, you have to sell on a different basis. And the customer at the end of the day is obviously being pushed to European competition much more than people from the UK. And we've seen that in Spain where you need local VAT.

And there have been problems with major European suppliers the year before. But now, because of the uncertainties on Brexit, on REACH, and the massive, massive problem with containers and port congestion in the UK, we're seeing imports, costs tripling and quadrupling, putting in raw materials into UK, for instance, or even products into Europe.

So there's a heck of a lot going on there .

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Add to that the extreme complication of determining country of origin for products even made in the UK, a lot of you may not understand the formulas involved. But even before, we were members of the EEC, to prove that a product is a UK origin, you need the 80% of the raw materials to be made in the UK.

And all these factors will come into play now selling to your customers in Europe.

So there are a lot of commercial issues that we need to look at closely. And our group has a heck of a lot of experience in selling into Europe. And I'm worried that the commercial aspects of Brexit and REACH preclude people coming forward and sharing their experiences.

We're extremely good from a technical point of view, on handling REACH, but we need more commercial input from our group as to the problems they're facing in these three areas in the future, so everybody can be more well informed and proactive. And my rant ends there but there are certainly complications... we're selling more of our products direct to Europe now rather than bringing into the UK, because it's not just a waste, an extra cost, but it's Europeans want European products.

Anybody that's got experiences, I'll be pleased to hear from, maybe they'll share it with us in the group... in the future.

Julian Sarkar

Basically very similar experience to John. What we have done to a degree to get around the issues with Brexit, UK Reach, REACH, double duties, VAT issues is, wherever possible -we're using our Dutch company to supply into Europe, that resolves any VAT problems.

When you're selling from the EU and still to another EU entity, the VAT goes to one side, quite unfortunate. We are starting to also, John this is something you might be interested in is, if we're bringing container into either Rotterdam or to Felixstowe, we are splitting the contents and sending some to the Rotterdam warehouse that hold it there before it's cleared. Again, you avoid the double duty and vice versa.

In terms of when we have goods in the UK, which say we've got in last year, we are normally selling them to the Dutch company, which then sells them to the EU entity.

Again, for VAT purposes, we have some that hit double duty from time to time. And there's nothing you can do about that, apart from look to the future, I guess.

Overall, it's an absolute shambles, it is very time consuming, the documentation is a nightmare. We have instances of getting having goods being held up at the border for several days, not knowing where they are going both ways into the UK and into mainland Europe. And often the reason is, let's say so often contain a load or less than a fork truck, or there are different consignees and different expeditors on that truck.

We may have the right paperwork, but the chances are that somebody else doesn't. And that's what holds everything up and it's dreadful.

And I've got to mention you, Neil. Another force majeure, I see.

Neil Hollis

Nothing to do with me. Thank you very much for pointing that one out.

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Yeah, we're also having problems. You know, even though a trade deal was finalised on Christmas Eve, we're still having issues with respect to preferential Rules of Origin, because of how complicated chemical supply chains are and we're having real problems getting some goods out of the UK, you know, into the EU.

We manufacture and sell nematodes at one of our sites down south and to send these to the EU, each one of them has to have a veterinary certificate.

There's approximately 2 billion in every jar. It's crazy.

John Rawson

Yeah, absolutely. Interesting. What you said about containers being split in Rotterdam, Julian. Importing dangerous raw materials of different classes and grades is a non-starter. Really?

Julian Sarkar

John, if I can jump in there, you do tend to work with some extreme hazards. Let's just say class three, class eight, class nine, class six, it doesn't really matter and nothing too nasty. Okay, and we can, as I say, split the containers.

So some goes to the UK, some goes to storage in Rotterdam and vice versa. You're not clear until it gets to the destination.

John Rawson

My problem is around Europe and in the UK, there's a lack of COMAH sites where dangerous products can be stored.

I mean, if it wasn't for the British Army, we wouldn't be storing anything in the UK, which is explosive and inflammable, but it's surprising.

I've mentioned this before, Felixstowe has currently got 20,000 empty containers, and they don't want imports or exports moving quickly because all these containers have not been used due to the COVID virus abroad.

So as I've said, there are problems there. But outside Felixstowe, the nearest COMAH registered warehouse is in Lincolnshire. It's a nightmare.

We're not prepared for anything. And Covid has thrown a spanner in the works big style as well.

But it's interesting what you say about splitting containers. Maybe we can select some raw materials that can do that. And I appreciate your comments there.

Suzanne Alecrim

Hi, everyone. This is my first time joining your group. So I work for a company called Price Check and we're actually a supplier of consumer goods, we do have products that come under REACH the household toiletries, and things like that.

So we had a conversation with Janet, just before Christmas about that and also, potentially verging on COMAH, but we're not trying to beat heads.

Brexit is an absolute nightmare for us. I just wanted to sort of, expand on what the gentleman said earlier.

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The one thing that we are finding is that fair enough, we've got the EU regulators in place, we've got MSDS is that are EU REACH, but we're finding each country is coming up with its own rules.

We returned a shipment back from Poland, because they wanted MSDS for the ingredients that are listed on the REACH MSDS. They wanted to proof of the denaturing ingredients, used to denature, the alcohol in the products that we're selling, they wanted the MSDS for all of those, and they wanted to REACH registration numbers for all of those too and they wanted to rip us off with excise duty in the region of 54,000 euros. So in return that went back to us.

But each country is asking the importers to do something a little bit different. So isn't just EU regulations that we're coming across, it's not just REACH, these are all areas that we're finding this in, we've set ourselves up in Belgium with a Belgian entity.

We're finding as well, that if we send things through with a full load, it's not going to be stopped, we're able to sort of get that through and we're able to ship direct as well from the UK.

So I think anything where people are trying to shoot through with the groupage, and it's having to go via Calais, that seems to be the group that's getting blocked a lot where they are asking lots and lots of questions.

With regards to setting yourself up and being able to import, if you have set yourself up in Europe, you just need to route to the cargo and carry out the import clearance in that country, you can then ship it anywhere else. And it is in free circulation, once you've got past that customs border.

Also, if you look at some of the freight forwarders, some of the larger ones, they may act as Power of Attorney to do it for you. If you're not set up and registered, it's worth having a chat with the forwarder just to see if they could do that and act on your behalf just so that you can get those products through.

I do think it's about sort of, those contacts that you've gotten working with them, to seeing what services are out there to help you. So, it's not just you yourself trying to actually, you know, get through the customs because the customs, they've definitely got a grudge against us, definitely.

I'm seeing that in France and the Netherlands, with shipments that we can't get through, we've had a shipment stopped for six weeks in France, it custom cleared last week, and then it didn't customs clear and then it was customs cleared again, because we've complained.

And that there were stopping it because we had a pack of children's crayons on there. It was UK origin, they didn't believe anyone in the UK could manufacture crayons, so they decided they were Chinese, even though they weren't Chinese, we actually had an MSDS for them as well. We proved they were non-toxic, all sorts of management paperwork. We did a portfolio of photographs and everything and they still refused to allow it to be imported because they didn't believe our data and that's just a jobsworth in the Customs somewhere.

So it's not always about making sure you've got the right information, the right rules. I think it's about how we can needle it and certainly using everybody else's experience to try and actually get through a sort of, break point and find that route in.

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And I think once you've got that route in, that very first one is probably going to be the problematic one, but then you can get past it and hopefully continue to trade through that route. But yeah, definitely try to get that route right.

Mick Goodwin

Thanks, Suzanne. Yeah, I think at DCL we had similar issues with groupage. And we're trying to ship full container loads wherever we could. I think that's a common theme. And yeah, like you say, Julian. Splitting, as things come in before it clears customs is probably a way forward.

Has anyone else got any thoughts and comments?

As a bigger question, Is it such a big topic that we could do with a more focused trade related meeting?

More than a regulatory meeting, or aside from the regulatory meeting?

John Rawson

I think that is a useful idea. And people can come with their commercial hats on as well.

One thing I forgot to mention was a simple thing that you need EORI numbers to import and export into Europe, to satisfy HMRC, customs, etc.

It's a simple thing, but everybody, I'm sure knows about this, but maybe they do. But if you don't have any EORI number as an extension of your VAT number, you get stopped at the border and have more problems, as explained by our last speaker.

Julian Sarkar

I think it's worth mentioning that when somebody the size of BASF has problems, then it really is serious. Because normally, BASF who I have great respect for ...they are very professional, efficient and do what is needed in every single country they're operating from. I personally would like to see that type of meeting for those people who are interested.

Janet Greenwood

I have to say as well, that we have had quite a few queries back to Heather Thomas, just privately which hadn't been raised in the meeting.

That would be useful for people who are interested in the trade aspect. So what I can do is maybe collate Heather's responses and get them out to people or we can discuss them again in a trade meeting.

I think from my point of view, it's very easy to set up a zoom meeting these days and I think it would be useful for some of the SMEs who sit on their hands...

Peter Godfrey

I just wanted to come in slightly different. I work with a lot of SMEs who manufacture specialist fertilisers. They all got an email from the UK government saying, "*Tough luck, chaps, you've lost your EU fertiliser reg recognition*".

They've had product sent to Romania and the person in Romania was like I can sort it but the regulator's, will take 12 months before they've cleared the shipment.

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They've had customer in the Netherlands, who said no problem. We've cleared it ourselves internally.

And then the French were being very pedantic because they haven't drilled down on the customs numbers far enough to properly identify the product.

So, some of it is experience, because when they sent me the custom's number, I said, This isn't long enough. And they went, What do you mean? I said, Let's go down through it. Because it had to go down about four or five levels to properly identify the product. I pointed that out to them. They haven't heard anything back since.

But I agree with in the past, from experience, if you send one lot of paperwork to the French. And there's a similar form, you can use, they what the other form. Customs are a mind of their own, there's not much you can do about it.

4 Trade Issues due to Brexit

Mick Goodwin

Yeah, anyone else got any other trade related issues they want to want to raise or bring up at the moment?

John Rawson

I wanted to make one simple comment regarding trade issues? The most basic and simple question. People should ask, don't be frightened to think that you're naive. It doesn't matter if you're a small company, and you have certain trade issues that you feel embarrassed to raise, because we will all try and help in that situation.

Mick Goodwin

And I think that the rules or the issues is kind of a moving target as well, isn't it?

So you know, we're all coming to this fresh, pretty much.

John Rawson

Sure. Exactly. Yeah.

5 Northern Ireland Trade Issues

James Watson

Yeah. Morning Everybody. I may have missed this, the meeting was interrupted by phone calls. But I'm just wondering, I haven't mentioned this actually before, but has anyone had any easy dealings or difficult dealings in regards to the TSS in Northern Ireland, exporting or importing because we registered as a business...to get an Irish EORI number and to do that I had to fill in something (I can't even remember what TTS stands for), but then they got in touch saying that we needed to log the details of vehicle movements between the UK and Northern Ireland.

But they weren't very helpful with sort of, information they wanted and when they sent forms through, they were wanting details like the vehicle registration number, and this, that and the other. Which would have been fine if we were using our own vehicles. But of course, we use TNT and other such carriers. The only time I've seen any documentation on our TSS account was when we've done an X worked into Northern Ireland, and the customers shipping company, I've actually uploaded data to it.

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So, I can actually sort of see that transaction. I'm only talking about TNCs and I'm only talking about a handful of transactions, but still if anybody else has any dealings or inside brilliant knowledge that they could share with us.

Suzanne Alecrim

The TSS is the trading support scheme that the government set up through the open export, to help UK and Northern Ireland - GB in Northern Ireland, companies get registered to trade. The trade, there's a frontier now that the European frontier starts in Northern Ireland, so if you're in England, and you're sending something over to Northern Ireland, then they'll encourage people to register with the TSS.

HMRC were sending you an automatic XI EROI number, which gave you that EORI number to import into Europe, through Northern Ireland, and it really is something that freight forwarders are using.

So that's something that I found out is that we've registered for the scheme, but it is actually to be able to do your own customs entries into Northern Ireland, you've got to prove that your goods are going to stay in Northern Ireland, and that they're not actually at risk of going over to Ireland.

It's worth finding a freight forwarder to do all that for you. Rather than using the TSS yourselves, which is what we've done. They can take your XI EORI number and use that if they needed to. If you do have an XI number and you're based in mainland GB, you cannot carry out the import into Northern Ireland, you must have a physical presence in Northern Ireland or be a registered Northern Ireland company.

The other thing to note as well is that anybody in Northern Ireland is likely to pay EU duties if they cannot prove, or HMRC feel that they are at risk of taking the goods over to Ireland.

So, they also then need to register for another scheme called the UK trader scheme and that's where they get permission from HMRC. Because they prove that, they're buying things and selling it into Northern Ireland, keeping it there.

If they are a company that did report into Northern Ireland didn't actually distribute around the whole island of Ireland, they will have to pay duty and then make a reclaim back on that they have set something else up for the small Parcel Service, which is where TNT would be.

I rather think, TNT should be able to do that transaction for you without you having to go through the TSS, make sure you have to do some sort of entry. And also, then import it on behalf of the customer that should also have an XI EORI number.

And the one caveat I would say though, is that in their wisdom, they decided to use the new custom computer, the CDS, and it's not working properly, because they can't use all of the customs procedure codes, they, therefore are now putting everything through Northern Ireland, that then goes into North America, or maybe routed into Ireland through the simplified procedure, which means they just need to do a light touch entry.

So basically, everything is imported in, going in no problem. But in sort of six months from when that goes in that they give them 175 days to do a full entry.

So for anything that's been moving in, since January, they've got until July to do the actual full entry. So I think it'll be quite a few surprised customers over there that will get a bill in Northern Ireland and Ireland for tax and duty that they were not aware of.

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I don't think the scheme was sold very well and certainly the webinars that they've done have been a bit poor to help you trade. But I think TNT could sort out that issue. If you had a chat with your account manager that I see the freight forwarder to do the entry so that you're not trying to do it through the TSS.

You've got your EORI number, you can actually use the XI EORI number anywhere in Europe, because it is a European EORI. So, if you do need to import it to Europe, that can be used as your actual European EORI, even though you are still a company registered in the UK, we don't have that physical presence. So that may help some people out who are trying to get goods into Europe and use that EORI number without having a physical address.

Mick Goodwin

Brilliant. Thank you, Suzanne. I think we have a trade compliance experts now. That's really good.

Janet Greenwood

Yeah, the other thing I think is, it's really useful what Suzanne's saying, use a freight forwarding company but we know that they're like hen's teeth at the moment.

What I can do James, in this instance, is if you aren't able to use a freight forwarder, if TNT can't help, then put it on an email to me and I will forward it to Heather Thomas at BEIS, because Heather knows everybody who is involved in this.

And she's been absolutely fantastic at getting queries answered. So that's kind of, if you can't solve these kinds of things, we do have Heather Thomas in our back pocket!

Suzanne Alecrim

I was gonna say anybody just need help. We've got a really good partner going into one. And so I can certainly pass that details over. I'm sure to be very happy to help.

Mick Goodwin

If we have a trade focused meeting, is there opportunity to get Heather to attend?

Janet Greenwood

Yes, I was going to suggest that. But we might need to do it on her timing because she's working shifts at the moment and four days a week, 12 hours or something like that.

Mick Goodwin

Probably pre warn her of what's coming.

Janet Greenwood

Yeah, absolutely. Unfortunately, because of the bribery rules, we can't send presents to people in the regulators as a thank you. Anything above a fiver has to be accounted for. We've had that with the HSE Help Desk guys as well. Yeah. So you can't send her a big box of chocolates and a bunch of flowers... Questions would be asked in the House! Okay, thanks.

Neil Hollis

Janet, do you know Ryan Diggory from Heather's team? I think he's doing a lot of stakeholder engagement at the moment. He may be a good person to approach.

Janet Greenwood

Yes, he's a good person as a Plan B and I am in touch with Ryan. He's answered some questions directly as well. So we can ask them both, they can decide who they want to send or someone else. Yeah, perfect. Thanks.

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6 The REACH number issue

Mick Goodwin

we move on to REACH related issues? Following up from last week- The REACH numbering.

Janet Greenwood

I did send this round the newsletter emails, because we heard back- You get a GB REACH registration number at the end of the grandfathering process. I'd like to thank Julie Woollen for sending that through.

We heard back from HSE themselves and they said, yes, that is your GB REACH registration number, which of course means you can use it on the safety data sheet.

But when you do a DUIN, they're only administrative numbers, because we don't know when people do a DUIN and whether they're going to take it forward to REACH.

I will put all of that information into the meeting notes again so everybody, I know some of you have come recently to the group, everybody will get a copy of that.

Email to and from HSE (their responses in red)

Dear HSE Helpdesk Team,

I hope this finds you all well and not too overwhelmed with work. We've collated these questions to avoid individual companies contacting you multiple times, hope this helps. Please feel free to reply to these individually rather than all at one time, as some are probably a lot easier to answer than others.

Numbers issued after a registration is grandfathered, or a DUIN is made

Are these numbers administrative numbers, or will they eventually become UK (GB) REACH registration numbers?

The number issued when a registration is grandfathered will be the UK REACH registration number. The number issued when a DUIN is submitted will be an administrative number. There is no obligation to convert a DUIN to a full registration, therefore if and when the DUIN is converted to a full UK REACH registration, a UK REACH registration number will be issued.

DUIN applicability

A member asks – "Can we add anything onto the DUIN list before the end of October, even if, at the moment we don't import it? So it would be a new chemical to me and under other global legislations, it would be a new chemical but it wouldn't be a new chemical to EU REACH.

So can any of us just keep adding things until October the 27th, even if it's not supporting business, that was ongoing in 2019 and 2020?"

The consensus of the meeting was no, because DUINs are for existing imports from the EU which had already been taking place for 2 years before Brexit. However, it would be good to get this confirmed by yourselves.

You are correct in your consensus. It is not possible to continue adding new substances onto the DUIN before the deadline that were not imported into GB in the two years prior

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to the end of the Transition Period (i.e. 31 December 2020). Only 'protected transitional imports' qualify for a DUIN. This means the substance should have been imported into GB in the two years leading up to exit and be covered by an existing EU REACH registration by the EU manufacturer or if the import was from outside the EU it was being covered by an EU-based OR.

When does the retrospective DUIN deadline work from?

Article 127e states that you have to previously have imported that substance over the past two years or two years since exit date.

Does this mean the official exit date of 31st January 2020, or the end of the Transition period on 31st December 2021?

Article 127E has since been amended, which can be found in the amendment [SI 2020 No. 1577](#) (Schedule 2, 5(5)). When referring to a protected transitional import, it previously read, "the import occurs during the 2 year post-exit period". This has been changed to "the import occurs during the relevant post-exit period". The relevant post-exit period is defined in Article 127P (4B). Article 127P establishes the extended registration deadlines that result from DUIN submission. So, for example, if you import a substance at 1 tonne per year or more after 6 years plus 300 days post-IP completion day, it is no longer 'protected' and you need to register it.

Then, the part of Article 127E that requires the import to have occurred before exit is Article 127E (1)(a), which says that the article applies where a person is 'an existing GB downstream user' or distributor. Article 127E (12) states that an existing GB distributor or downstream user 'means a person who was, at any time in the 2 year period before exit day, a distributor / downstream user under EU REACH established in GB. 'Exit day' was changed to 'IP completion day' in a broad amending SI entitled "The Environment (Miscellaneous Amendments) (EU exit) Regulations 2020" [SI/SR Template \(publishing.service.gov.uk\)](#). Therefore, to be eligible for the DUIN a GB-based company needs to have been a distributor or downstream user of EU REACH-registered substances in 2019 or 2020.

Advice given in 20th January meeting – is HSE aware of REACH compliance issues for mixture importers?

This isn't a question, just something which came out of our meeting discussions. This is the fact that someone (I think Gary Dougherty) had said that you have to get information from your suppliers, including asking them to tell you whether you are buying a non-hazardous substance over 1 tonne per annum, so you can register it for REACH. In theory this is a good idea because it keeps their formulation confidential.

This response (which I've paraphrased from memory, so it may be inaccurate) assumes that you are bringing in unique products through unique suppliers in a unique supply chain.

However, what actually happens is we often bring in multiple products from multiple suppliers, which may all have the same non-hazardous material that isn't on the safety data sheet - that then takes us over the REACH registration limit.

Obviously in the Self Help Group we discussed ways of obtaining this information from ex-GB suppliers (as we already had to do with ex-EU suppliers), but I just wanted to flag up that this is a very real issue for many importing companies, particularly for consumer goods which are variations on a theme (eg scented candles).

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Thank you for your comments. It is understood that most former downstream users will be importing formulated products and will not currently know the full composition of these mixtures. Furthermore, if they do not have all the details, then they may not be able to determine if they breach the 1 tonne threshold. That is why the DUIN process has been designed in a way that only the information that is available at present needs to be submitted.

In time, it is expected the importer will enter into discussions with their supplier to find out the full information requirements of mixtures so that they can complete the full registration of the substances by the relevant deadline.

7 Simplified REACH

Janet Greenwood

The GB REACH suggestion from Trade Bodies for simplified REACH. This is a question really for Neil because I know you've got your finger on the pulse with these kinds of things.

Is there any more information on that? Because the last I've heard was that link I sent in today's email set where somebody from our conference had had spoken to Nish Patel from CIA and James Dancy from DEFRA about, apparently about that idea. And James Dancy was saying, yes, we're going to look into it. Neil, any thoughts?

Neil Hollis

I don't know if anybody's seen the letter as some of the associations that were signatories on the letter have distributed through their membership. There are 25 industry associations that have signed this letter calling for an adaption of UK REACH, the NGOs and the press, the FT, believe it's quite a large overhaul and CHEM Trust have even called it a de-regulation.

We don't believe that's the case. It's simply an adaption to acknowledge UK REACH compliant supply chains. And if any of you saw the article that BASF contributed content for to CHEM Watch, I think perhaps 12 or 18 months ago now, where we made a proposal for an alternative style regulation. It's not 100 miles away from that, anyway, let's say.

So obviously government must act, as James said, I've not seen that video yet, thanks for that link this morning. <https://www.youtube.com/watch?v=f1oi8pyxFVY>

But yes, there is some discussions going ahead. And there is industry feeding into these discussions. There is not a lot of information in the public domain. So apologies for perhaps not being overly descriptive on this, but industry is part of these discussions with government at the moment as they're exploring potential adaptations of UK REACH.

Janet Greenwood

So, it's a watch this space, and if we want to feed anything back, then you're probably a good person to pick things back to.

Alan Ritchie

Janet/ Mick, Because you talked a little bit and Janet, about this issue of the number you get when you've done a grandfather? And the number you get when you Do a DUIN (I hate that phrase).

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But to me, it leaves an open question. Because if you look at it, I guess in the terms of the DUIN, it is probably okay, but with the grandfathering. They're saying that's a REACH registration number, but you haven't actually registered effectively. And all you've done at that point is pre-registered. That's what it boils down to, because, within the timetable- the Two, Four or Six year timetable, you will have to complete a proper registration for your substance.

My question is, does the air quotes 'registration number' that you get when you do a grandfather?

Does that registration number remain your registration number when you register the substance under the extended timetable?

Or are they going to give you a new, quote, 'registration number', at that point?

That is not clear crystal clear to me.

Mick Goodwin

And what happens if you don't supply your data for your grandfathered substance?

Janet Greenwood

No longer registered yeah. The information that came back to me was that it was the UK GB registration number.

I don't know if they've even thought about that yet. I think the presumption on the part of the people in the HSE, I was speaking to about this, the presumption is that when you grandfather that then becomes your legitimate, REACH registration under the in the UK, and but you will then presumably be kicked out later. But the detail's in that email (*given under item 6, above*).

Mick Goodwin

Does this follow on to the next agenda item? In a way? (I'll come to in a minute, Peter) If you know if your grandfather Are you then legally obliged to supply that data can you know in in the same way as if you've got a EU REACH Compliance?

Check and you're legally obliged to fulfil those, you know, is that the implication of this because they've given you a registration number, you've then got to go and fill those gaps.

Alan Ritchie

But there's your problem. If you do, your first problem is, well, who is responsible? Because at that point in the process, there is no lead registrant and under EU ones that that compliance requirement falls first to the lead registrant, and it's up to him to then communicate with the registration community to agree what's going to happen at that point. Although the legally responsibility sits with a lead registrant.

If you've got like 200 registrants for a substance, and they say, Oh, well, now you need to do X, who are they telling to do that? All 200 of them? It's anything but clear to me at the moment.

John Rawson

Can I ask a simple question on registration numbers, it may be totally irrelevant or impossible? We as an importer under REACH, have a registration numbers, of course. And when we changed it to become OR, we kept the same numbers. Is it beyond ...Is it possible that the UK REACH could use the same numbers as ECHA and work together? Or is that just...

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Janet Greenwood

I can tell you having seen a UK REACH registration number, they start with 999. It's the same format.

We've got the same format as the REACH registration number, but I think they're starting at the back end of the numbers and working forward from that. Whereas the REACH registration numbers started at zero and worked the other direction. So they're completely different.

That means on a safety data sheet, you've got something registered for both jurisdictions, you've got two REACH registration numbers to go on. Because even if you're selling into the UK if something's registered under EU REACH, your customer might be making a mixture from it and might need to know if it's registered for each because they're selling it back into the EU. So it just kind of duplicates everything, doesn't it? But it still has GB in front of it.

John Rawson

Right. Okay, we're waiting. We're basically starting again, if most lead registrants are in Europe.

Janet Greenwood

Yeah, exactly we are. And I think when...

John Rawson

That means a lot more expense.

Mick Goodwin

Potentially. Yeah.

John Rawson

I mean, a hell of a lot of expense. If you're talking about substances.

Janet Greenwood

This is where Neil and the trade bodies suggestion come in. Because if that's picked up on and the rules for GB REACH are changed, then there will be less requirement for data, therefore, less need to discuss all this as I paraphrase that correctly, Neil?

Neil Hollis

Yeah, essentially, the main adaption that the industry paper suggests is that REACH compliant supply chains- EU REACH compliant supply chains are acknowledged by the UK authorities.

If you are an importer in the UK, bringing goods in from Germany, that are REACH registered, then essentially, you can still act as a downstream user as such, and you don't have the registration obligation to the UK authorities.

We certainly believe that this would remove the registration obligations for the vast majority of supply chains.

John Rawson

Interesting.

Sam Golliker

Basically how Switzerland works, right Neil?

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Neil Hollis

It's probably a bit more nuanced than the Swiss version.

I think the Swiss regulation at the moment, basically just says, if it's got an EC number, or if it's got an INEX number, then it's fine, whereas at least... the UK industry proposal isn't based on inventory listing.

It's based on registration status.

Sam Golliker

Yeah. similar concept, though where if you are not hold the data before previously or notified in Yeah, it's considered new.

Neil Hollis

Yeah, we've taken, you know, the Swiss f quite a pragmatic way of doing chemical regulation. And we think the UK should adopt a similar mindset.

Sam Golliker

Yeah, I believe Mel also put that forward quite a few years ago as well.

Neil Hollis

Yes.

8 REACH Data ownership

Alan Ritchie

Can I just chip in another comment that in the context of what people have been talking about today, and also not just today, but for various forums I've been involved in.

One of the things the HSE has said, and this is just ...a kind of note of caution at this point, until we see how things pan out. But one of the things the UK HSE has said, is about data ownership, where they're basically saying, Well, if the studies are already sitting in a REACH registration under ECHA, then that registration was done back in 2009 / 2010, by the time you come to your deadline in the UK, that data will pass the 12 year time window, and therefore you'll be able to get it from the company for nothing because of the EU REACH regulation. Now, I think the HSE has put that out there and that's not the words they've used. But that's the essence of the message.

Note of caution. It doesn't matter what the UK HSE says, the deal that you have made to buy data for registration is under, would have been done under the contract laws of the country, from where you bought the data, that country is an EU country, and therefore there are issues whereby, with free trade, and so on and so forth.

But that is treated as an EU purchase, under EU contract law, EU contract law is irrelevant as far as the UK is concerned. Therefore, the HSE puts that out there. And the company says, Well, if you want my data, you are going to have to pay for it. And the UK says, Well, you don't have to... irrelevant...They're going to say who is the UK HSE, and what are they got to do with this.

This has nothing to do with EU or UK REACH- This is a contract law issue. And therefore, you need to be very careful about making assumptions that you can have data that you need, whether it's a novel substance or grandfather's substance or DUIN substance, if you want data from the data owner. And the data owner says fine, here's what it will cost, the UK HSE position is completely to my mind completely irrelevant.

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Sam Golliker

Now I agree Alan and to be honest, it doesn't even have to be considered fair and transparent outside of the EU, so they can charge what they want.

Alan Ritchie

Correct. Thank you, Sam. absolutely spot on.

Mick Goodwin

I imagine there will be plenty of data holders are going to charge at full value for their data that they've already got.

Sam Golliker

Both ways already starting for things like Korea REACH, I am already seeing a lot of Consortiums are being quite pragmatic and then some are not so much. So, it's going to, it's going to be a big line of 50/50. Of which way, which way it goes for this.

And like Neil says, if we do not get a better style of regulation within the UK, I'm pretty sure everybody's screwed.

Peter Godfrey

Yeah, I've come in a couple of things. I was at UK REACH cross sector group meeting last week. And following on from Neil's comment about CHEM Trust, several people at that meeting, took CHEM Trust to task about the letter pointed out to them, and they actually CHEM Trust and said, let's have a meeting. We're happy to work with you on this. Now we fully understand what you're trying to do.

On UK REACH grandfathering, I've had a client who suddenly changed their mind about two substances through grandfather forum. I have looked on the website this morning, because at least it keeps being updated. And you can go in and do a notification of cease of supply like you can do on REACH, REACH IT, which means you then are not confirming you're not going ahead to complete the registration, there is an opt out in there now. And I agree with several comments.

But one thing I got a surprise, about two weeks ago, I had an email because we register as a joint registrant with through the Methacrylates Consortium. And they have issued a big email round to everyone who is registered saying if you've registered under EU REACH, we will not be charging you again for any other UK REACH or Korean REACH. If you have registered, it's just not been charged, and you can get a token for registering under different REACH areas.

Mick Goodwin

That's a positive bit of cost news.

Neil Hollis

On this point Mick, I can perhaps give a BASF perspective and we are promoting a position and suggesting other people should that if a company has already paid for EU REACH access to the data, then they should be granted also access to it to the UK market.

It was this was written in a CIA/CEFIC document, I think, perhaps a year or two years ago and we still want to follow that approach.

If we have new companies entering the UK market, then we are looking at probably valuing our data at five or 10% of the data costs, you know, and this figure being approximately relevant to the size of market, UK compared to the EU.

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Mick Goodwin

I guess the issues are going to be, if new entrants to one market or the other are going to argue about value of what they've get in when other people are getting not quite double the access to markets. Yeah.

Julian Sarkar

I would say on that. So, I, appreciate what BASF are doing. And I hope they would like to think that everyone else would do the same thing. But in my experience, what a warning shot if you like across the bows that we have received from CSB in Germany, who were all the people who bought REACH Ready, was it from the CBA? (was it REACH Ready, I can remember thar one...). They are indicating that they are not going to play ball at all.

Whilst BASF are doing, what I would think is the right way. Not everybody necessarily will do so, exactly as somebody else said earlier.

Neil Hollis

Yeah, it's totally at the discretion of the data owner and we think our approach is to be as pragmatic as we can be.

I've just seen Lisa's question on the chat which is directed in my direction. So, this industry government discussions, we are very aware that it needs to be done quickly, because there is limited parliamentary time available for any changes that are to be made. And if any changes are to be made for REACH, then it also probably means an adaption to the environment bill.

There's a lot of even if we can get agreement with the government or with the civil service on these issues. There's still a lot of parliamentary scrutiny and pro process let's say.

Sam Golliker

Yeah, cos there are many effects, if it changes, you know, industry, they want to know what it's changing to so they can plan accordingly...

Neil Hollis

Apparently, before the law came into force at the beginning of this year, apparently it's quite easy to publish statutory instruments, which is what they did last year, wherever it was the statutory instrument to convert REACH and then the subsequent amendments.

Now that the bill is in force and UK REACH in force, apparently, it's not so easy now to you know, because I just said, you know, why can't you just create a statutory instrument that basically says EU REACH supply chains are considered as registered?

You know, to me, this adoption could be quite easily summed up in a couple of articles. But apparently, it's, of course, it's not that simple.

Sam Golliker

Never is though is it?

Karen McAvoy

I've done some work recently, compliance work based on in front of the business, who, on the BPI, you know, the biocides regulation, and they're from very big German company, again, we add Letters of Access to the data, which you lodged.

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I wonder if this is maybe the kind of model that could be used, rather than you sort of, you know, physically getting the data and passing it on. But that, you know, that there's kind of a way that the data could be made available, but of course, it requires the EU, the companies that you're working with, to play ball and be pragmatic about it.

I know that in terms of my own chemicals business directly, is definitely the German company that I work with directly, they've said, we can have access, but at the moment, my client in the UK, their requirement is reduced quite a bit. So ...whether they, you know, have the incentive to do this, because whatever you supply in terms of data, that everything costs, money doesn't it, whatever you do. So you know, it's where the incentive is.

I think the UK is in a really precarious position at the moment. And you're seeing that from... how many empty containers are going back to Europe, how much import exports are down on this time last year, etc. Now, it could be that people are waiting, you know, because they stopped back up in November, December.

I don't know, I just, I feel very nervous about the whole situation and REACH and the data, etc. So really wanted to say that.

Mick Goodwin

I think with it being data being subject to contract law, there's going to be many different interpretations and companies doing different things. And for some data holders, it's going to be another revenue stream for them.

Karen McAvoy

And I guess it depends on that, yes, it's we've got, you've got 27 different cultures to deal with. You're dealing with as well. And that's been expressed this morning, I think, you know, terms of, you know, friends, I used to work for a French company, so know exactly kind of what they're like, to sort of deal with.

(**Janet Greenwood**, interrupting – careful, Karen, we've got Karine in the meeting!)

Apologies Karine, but I was thinking well, from because Janet and I worked for the same place. We would basically (*find*) negotiating was an interesting experience across the table, whatever, technical, commercial, whatever you, you know, but C'est La Vie, but what I mean to say is we embrace everybody's culture, but also we have to kind of understand that everybody brings a different interpretation. And the Vaccine is Case in Point that we've seen this. an interpretation of what's going on is a good microcosm of Europe and how they interpret different things. So yeah. Great.

10 minute break (1:04:55 on the video)

John Rawson

Being a European 90- 95% of our turnover is all in Europe. And thank God for that. All I will say is the French from 20 years ago, were not really nationalistic and were prepared to work with everybody. And now it's become the USA of Europe really, in doing business.

There's so much, how can I say without being... there's so much anti European feeling there I think are self importance... I still love the French so I won't say too much. But it's 10 times more difficult to do business in France than it is in anywhere else in Europe, from Latvia through Germany down to Italy, all still very, very sociable and friendly people. The French don't even want to work with their own local people. Something strange going on there. But C'est La Vie.

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9 REACH grandfathering versus doing a DUIN

Mick Goodwin

The next item on the agenda is back on REACH UK - REACH grandfathering versus doing a DUIN making a DUIN, pros and cons of each.

Janet Greenwood

This is a question I asked Mark Selby but for a very, very specific reason. More experienced members of the Self Help Group will be aware of REACH, Colours Italia who have now changed their name with our friend Michela Kahlberg and her minions.

I got an email through from a member of the group saying Michela or her minions have sent round this email saying, oh, my goodness, *"if you've got a choice between grandfathering and doing a DUIN grandfather, because if you don't get in early, you might not take part in the SIEF formation"*.

Michela was saying, *in case you have business in the EU, evaluate your decisions, do not wait until the last deadline to submit your DUINs, it will be too late and you will not be able to get any specific groups.*

So, I did send it through to Mark Selby, and I'm just going to try and pick up what he said because it was obviously being Mark was interesting. It was brief. And...so he said *with DUINs, these actually do not immediately link to the Joint registration system because it's not as clever as EU REACH IT, pre-registration was and many of the practicalities have not yet been worked out. And whether you have a DUIN or not, does not allow you or forbids you from joining in the debate on UK lead registrants.*

In reality, the only way to start off as lead registrant is to actually have a registration. So skips the DUIN process altogether. Obviously, the mantle can be handled over later to a new LR. But we have been advising EU data holders to put in an early full GB REACH registration and get involved in discussions. Conversely, we have been advising SMEs who were shafted by big consortium and aggressive consultancies to get their LR sorted quick before others cotton on.

Obviously, this would in no way refer to any of our lovely consultants in the meeting room today. But I'll just put that in, that was Mark's opinion.

So is that what you think as well?

You know, with your consultancy hat on as you are now Mick, joining the dark side. What am I saying? I am the dark side!!

Mick Goodwin

You're already there Janet, we're following you in, into the...

Janet Greenwood

Into the abyss? Yeah.

Alan Ritchie

I suppose that would cast me as Darth Vader in all of this, possibly even Emperor Palpatine. Never mind, let's not go there.

John Rawson

More like R2D2

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Mick Goodwin

Neil, as a company that will have grandfathered and be doing DUINs, you can see this from both sides. And I guess you will likely to be Lead for some of the substances you will do a downstream user notification for?

Neil Hollis

I would think so. Yeah.

Mick Goodwin

And that is the risk is it.

Neil Hollis

It's not a case of one or the other, these are separate processes.

Depending on where you sit in the supply chain, if you manufacture a product in the UK or substance in the UK, and you have a REACH registration number, or you had a REACH registration number, you can then grandfather that into UK REACH. And you then become part of the registration group, which I think it is called, it is the term that they use, which is equivalent to the SEIF.

If you submit a DUIN, you do not get access to this registration group, the way to get access to the registration group is to submit an inquiry. And we have now begun to submit inquiries. So even though for many of our substances, we will not register until the final deadline 2027.

You must submit an inquiry to get into the substance group, which is where the lead registrant will be nominated and finalised and this process begins in May.

Alan Ritchie

Can I just clarify this?

So are you saying that you have to, if you've done a DUIN already, if you want to be in the joint registrant community or whatever they want to call it, you have to submit an Inquiry for something, you've already done a DUIN for?

Neil Hollis

Yes, exactly. These are parallel, there is no link between them.

The DUIN just allows you to continue importing the substance from Europe until the deadline.

If you want to go ahead and register a substance, then you must separately submit an Inquiry. Just to give you an idea of BASF portfolio, we have identified 2800 substances that we import into the UK, and half of these are greater than one ton.

We're currently at the moment pulling a lot of inquiry dossiers together to submit, not because we want to register them in the near future. But we just want to be there at the beginning of the SIEF discussions.

The last thing we want is to be entering a registration grouping two or three years' time, the lead registrant is already nominated and work is ongoing, where actually another company come in later, you know, maybe in a more appropriate lead. You know...

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Mick Goodwin

Presumably you've got lots of data that the exactly the risk is it gets lost or not used or The process becomes not cost efficient.

Karen McAvoy

How'd you do an inquiry then? What's the process Neil?

Neil Hollis

So the Inquiry is exactly the same as an Inquiry, an article 26 Inquiry on the EU REACH. You have to submit an IUCLID dossier with chapters one and chapters 14 completed and if you're a manufacturer -chapter three or chapter 3.1, at least.

It's exactly the same data requirements for an EU REACH inquiry.

Alan Ritchie

If you already have an IUCLID (file) for an EU registration and all the information is already in the UK for the UK REACH inquiry. So you've got all of that.

The challenge, just to flag this up in bold lights, the challenge is that will, come if you do REACH registration and you have a nice little IUCLID file for something that you did five years ago or more or a possibly more recently than that, there's a very, very high chance, I will say near certainty, that your substance ID in there will not be up to the current requirements. So you will have to revisit the whole issue of substance ID.

I've seen so many companies get burnt by inadequate substance ID. So that's something you will have to update for EU REACH anyway. If you have got inadequate substance ID in fact, if you go back to 2010, the stuff that the substance ID data there was almost non-existent. The current version of our EUCLID has a lot of dropdowns for in the whole... section one, which was previously pretext.

So, you'll find that your IUCLID will almost certainly fail TCC anyway. So just be aware of that...

My mantra on this is "Look at your substance Id make sure that's solid, otherwise, you won't even get past the starting gate".

Janet Greenwood

So if I can just kind of summarise where we are- Michela's minion was correct.

If you want to participate in the GB version of the SIEF, you either have to grandfather or you have to do an inquiry.

And then the reason for the question is, that the person who'd asked who wanted to know about this was they have got an EU REACH registration held at our sister company in the EU.

Now the sister company has said we will give you access to our EU REACH registration, if you want to grandfather. Is that legal? You know, can they legally do that?

Do they have a choice about grandfathering? or doing a DUIN? Does anybody know?

Neil Hollis

Oh, you can only grandfather a registration that was held in the UK up to the end of the transition period.

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Janet Greenwood

Right? That's fine. So the fact that they didn't transfer it back into the UK before the end of transition means that ship has sailed. Great, thank you. Yeah.

John Rawson

Sorry, sorry. Can I just ask a simple question, when's the last time to register for UK REACH? Or is it in its infancy still?

Neil Hollis

Well, for grandfathering, the deadline is the end of April.

And for, let's call it new substance registrations. For new registrations, it's now a phased implementation John. the first registration deadline is in 2023 for the high volume and the CMR substances. There's a mid volume deadline in 2025. And there's a low volume deadline in 2027. It's all on the HSE guidance.

Alan Ritchie

Sorry, and just bear in mind, if you haven't done either a DUVIN or grandfathering then the extended timetable no longer applies to you at all.

If you're bringing a novel substance to market, you have to start just as you would do with EU you have to start with a REACH Inquiry, then you get the inquiry number then you submit the registration dossier.

Depending on which and actually when you're looking at probably a 12 month programme give or take to get substance onto the UK market.

John Rawson

So we've got Yeah, there's one substance that ...we've REACH registered in Europe.

Neil, you're the top, you would grant a Letter of Access for this product. Do we have to formally apply to you for our consultants presumably we do.

Neil Hollis

So, if you bring this substance into the UK, then you should submit a downstream user import notification, if you then have to go on and register this substance, if you want to then bring this substance into the UK after the deadline then you have to register the substance, so you have to submit an inquiry and then you can join the registration group the SIEF, if we BASF, are already in this group or already leading them then we will at this point, I would expect, starting to pull the UK REACH dossier together, if we were the lead in EU REACH, and a major data owner and if we have business in the UK then I would expect us to replicate this role in UK REACH also.

Like I said earlier we are, for those companies that already have EU REACH registrations, we are trying to adopt a pragmatic approach with respect to compensation.

10 Registration Refunds

Mick Goodwin

Next item is Registration Refunds. As Peter Watson from Town End is not here, Janet, do you want to fill us in?

Janet Greenwood

Yeah, rather than get James to go through the whole horrible process.

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Peter received a thing from Michela and her minions, saying you have got, I think it was something like 350 euros refund for this year.

But as per our SIEF agreement, we're going to charge you something like 200 euros admin, because it's less than 500 euros. Do you want this money or not?

And so I said to him go straight back and say, *does it roll over into the next year? Or does it disappear?* And you will be unsurprised to learn that the money disappears.

I don't know whether this is within the spirit of cost share or not, but just a) to warn you that this is happening and b) Has anybody else come across this?

Neil, I don't think it was a BASF product. But I don't know. I haven't been told what it is just that this happened.

Neil Hollis

I think these terms are... quite standard. If you're in a large commodity chemical registration, you know, 200 300 co-registrants. If there's a reimbursement one year of 20 euros each, then the actual workload is more so I can understand why that is though. It would be nice, though, if the money owed was kept on credit, you know, I think that would be a good way to conduct yourself in these kinds of arrangements.

Mick Goodwin

I've seen SEIF agreements before where the minimum refund was 1000 euros or something like that. I think that was typical in the CEFIC model.

Alan Ritchie

Yeah, that's pretty standard.

Mick Goodwin

Yeah, I agree. But yeah, like, Neil says, I don't know if that rolled over year on year.

Alan Ritchie

It still seems to be in place. Although we did have one rather unusual one where someone said to us, you are entitled to a refund of 443 euros, but you can't have it because less than 1000. I thought, well, what a complete waste of time sending the damn thing out in the first place, but there you go.

Mick Goodwin

You're entitled to something you can't have.

Neil Hollis

Transparency, Alan.

Janet Greenwood

I suppose we can let Peter know that he's lucky to be able to get his net 150 because some people wouldn't even get there. Yeah. That's good. Thank you. I will report back to him in due course.

11 Missing Information on Dossiers

Mick Goodwin

The next item is: Dossiers missing information and I guess other issues with the ECHA website. Caroline from Coloursapes has raised this. I think it was in your newsletter earlier in the week or last week. Was it Janet?

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Janet Greenwood

This week, Caroline came with...

Caroline Simpson (suffering from internet problems)

(indecipherable)...only three registrants. And even the Korean registration had disappeared, which is the lead registrants, so I checked a few more. And the same appears the number of substances and it was also reported.(indecipherable)..by a friend that substances being transferred from the EU legal entity...back to the UK legal entity.(indecipherable) ...So I would suggest people actually protect their own data...

Janet Greenwood (summarising)

Basically, Caroline had found that when she got on the ECHA website on Friday, people had disappeared. The lead registrant had disappeared, you know on the front bit of the disseminated dossiers where you can see all ...of the registrants, so she knew there was a problem.

Then some GB REACH registrants had reappeared, which is all tied in with all of the things that are going on here. All the updates we're going through.

So Caroline's suggestion, which I think is correct, is if you are holding REACH registrations in the EU, just make sure that you're appearing on the dossier.

One of the things we know about it, changes at ECHA, is they don't always work and they don't always propagate and you need to flag it up to ECHA.

Mick Goodwin

There's ongoing things with the ECHA website at the moment, isn't there? I believe it is partially functioning today.

Janet Greenwood

There's an IT job going at ECHA also apparently- very senior. Yeah, I think it is a poisoned chalice to say the least. Yeah.

12 CLP

Mick Goodwin

We'll move on to CLP. Following on from the last meeting, responses to Andrea on using best available data on labels SDS's.

Janet Greenwood

As many of you are aware, we have been in an ongoing scrap with Andrea Caitens of HSE policy, because of the fact that you can have new data, better quality data than harmonised classification, which effectively supersedes a harmonised or mandatory classification.

Andrea Caitens, who is in the CLP side of things says, No, you must use the mandatory classification. But it was a terrible, terrible idea. You can put it in the SDS.

And the state of play that we've reached with this discussion is that we've heard back I think, Peter, you had a very good suggestion that we can approach this exact same problem, which is we want to use the best quality data, because if you've got something that the REACH dossier says Hang on, this is this is a harmonised endpoint, but it was done 20 or 30 years ago.

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It's actually worse than we originally thought. You want to pass that on, you want to make sure everybody's protected don't your insurance do for a start, never mind the fact that anybody making a mixture from it, or whatever, needs to propagate it down the line.

I'm just gonna suggest that that we go back to the HSE, but to the safety data sheets side of things, which is REACH, which is going to be HSE, and DEFRA. And ask them the same question, but from the SDS perspective, because if it's not Andrea... we might actually get a more sensible answer.

Mark Selby has also said this is ridiculous...the HSE are pragmatists. They want to see you using the best possible data on the safety data sheet.

Peter had some interesting information about the timescales. For example, to get a new harmonised classification made in the EU, we think it's going to be just as long in the UK. So you don't want to wait for two or three years if you suddenly find out that something's a lot worse than it was...historically.

13 CLP GB Labels

Janet Greenwood

We've heard back from ECHA, via Kathryn Tearle at OHES, at the start of the month they've updated one of their Q & A's on Brexit.

The EU is allowing GB labels to be overlaid with an address and phone number and company name / number for the EU because apparently, it's written into the trade agreement.

So, going from the UK to the EU, all you need to do is put an extra label over the top and you're good to go.

However, the fact that this is in the trade agreement should mean it also applies to imports.

So if you're bringing stuff in from the EU, and it's got the EU companies details on, then you don't need to re label it completely, you just need to put the GB address, phone number and company name on it instead. And you know, we've been going around in circles over labelling and it's a good pragmatic way through.

(Labels discussed further on Item 16)

14 Poison Centre Notifications

Mick Goodwin

What's happening at the National Poison Information Service?

Janet Greenwood

I've heard back from Caroline Raine on this one. We've had various things happening...somebody somewhere (can't remember who it is), had a bounce back over sending their NPIS for Northern Ireland, which is an IUCLID file zipped. And they got a very snotty email saying, I'm terribly sorry but we can't accept this in zip format. Don't ever do it again.

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Caroline said they should be able to accept either a zipped or unzipped because literally, they get people in, students in, to answer the emails.

When we were sending things through from Northern Ireland, literally, is a human being answering it at the other end, rather than it being some kind of automated thing.

I think we don't quite know what's happening. But you can in theory, send the unzipped file, I've had problems with sending that kind of thing if it wasn't zipped before.

If you're doing Poison Centre Notification to NPIS for Northern Ireland, you may have to send it in ...the IUCLID file in an unzipped format, but we're not sure. And...it may even be down to whoever the individual is what their preferences opening NPIS.

Mark Selby said for the safety data sheets, side of things 'Oh it's just human beings opening that as well'. So you may never hear back that your SDS has arrived.

What's everybody else sending with PCNs these days?

Are you getting looked at?

Alan Ritchie

I'm not commenting on...PCN, I do want to comment on the issue of IUCLID here.

One of the problems is that if you send an IUCLID file that's zipped, I don't know whether you're aware but the I6Z, Z stands for zipped. So an IUCLID it's already a zip file...

The problem is that what happens is when people try to unzip it, then they're effectively trying to unzip something that's zipped twice and can't do it. There is a workaround.

What it does is it says 'oh, this is a zip file, it changes the file extension from I6z to ZIP, and then you can't do a damn thing with it. So, what you have to do is you have to move the file, change its name back to I6Z and then you can import it into EUCLID.

The other thing is that when you zip something, it's already a zip file anyway, the file compression is minimal. And it causes all manner of problems, I've just mentioned at the other end. So my advice to people is don't zip I6z files you stirring up a sh*tstorm of trouble for yourself by doing it. So don't do it.

Mick Goodwin

And I guess some email clients will flag zip files or compressed files anyway as potential threats.

Alan Ritchie

Yep, that's another problem.

... Well, the solution if you can, sorry, the solution that you can do is just to get something onto a shared drive, get it on teams or on huddle or something like that, and people can just pull it off. Now if you have to send something to a regulatory authority and giving them access, I have done this... some regulatory authorities will actually work with this. And they'll actually pull stuff off shared folders for shared storage systems for you. Because that's actually easier for them anyway.

But not all authorities ...or people will actually do that. But that is your best route if you can do it.

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Kerry Knowles

It was me that got the bounce back of the emails. So they said, the zip folder that I'd sent...and another thing to point out, you've got to get your I6Z files from your dossiers from your ECHA portal.

You can't get them from your system to system service out of your software. You've actually got to go into your ECHA portal and get the i6Z dossier from there, and so I sent a zipped folder of 30 to 40 dossier files, I think then got a message about a week later saying, we've got a message that an email from us trapped in the spam or junk or whatever, were you trying to send us something.

I sent it and they said could you resend it?

So I sent it again, and left it a couple of days. And I said, have you received it again?

And they said, No, ... nothing has come through again.

So I said, Well, what is it? What is the problem? Is it because it's a zipped folder? And I said, How are other companies sending you these dossier files, these i6z files?

How are other companies doing it?

Oh, nobody else is having a problem.

Mick Goodwin

I thought you were gonna say no one else was doing it then!

Kerry Knowles

Well, they didn't say that. They just said nobody else ...we're not having a problem receiving anything from anybody else.

So then I thought, well, is it something I'm doing?

She came back to me again. She said, Yeah, other companies are just sending the dossier files in multiple emails, because of course, trying to attach 30 to 40 dossier files was a huge email.

I ended up sending four separate emails with all the dossiers on.

I sent a message again, and I said, Please, could you confirm that you've received the separate emails?

Eventually, I got a message back again, a few days, yes, yes, the emails have finally come through.

I think it was okay in the end. But yeah, don't send any zip folders, it obviously gets stuck in their email system as rejected. So, if you've got lots of products, obviously, you're gonna have to send them in multiple emails, because the emails will just be too big.

And that will probably get rejected as well, if not by your own system by theirs.

Karen McAvoy

Dropbox is a good system to use to share. HMRC share via Dropbox. So I'm sure that perhaps if sharing sensitive information, and they give you an access link is the way probably forward with this with the files to be honest, I find it really, really useful.

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Mick Goodwin

Cool. Thanks for that. Yeah, there's multiple file sharing sites and some have different functionalities. Yeah, and can hold different amounts of data. Yeah.

15 Labels Continued...

Janet Greenwood

Karine (Ellis) has asked me: If a UK company is selling a chemical to an EU country, the label follows CLP but if the UK company only has a UK address to put on the label, does it mean the CLP regulations are not being followed?

And that's a great question because actually you are selling it in the UK. And you ...are exporting into the EU and the duty for labelling rests with the importer.

So, you are doing your best, you are sending it with the UK address on but it's down to your importer to re label with the EU details at the other end.

Karine Ellis

Thanks for clarifying Janet, I was just wondering.

Janet Greenwood

It's fine Karine, it's a good question anyway. Because I had this question several times just in the last week from people in the UK who are concerned

Karine Ellis

I got confused by your email yesterday when you said you should put an *indecipherable* (Eu address?). *JG note: to clarify, you can only put an EU address on your label here in GB if you're selling via an EU legal entity.*

16 Poison centres continued...

Mick Goodwin

Poison centres again. Has anyone used the interchangeable group facility yet? Does anyone know anything about the interchangeable group facility lots of head shaking going on... Nope.

Janet Greenwood

I'm trying to work out a way for doing fragrances and this is a new thing which seems to be involved, they've called it the they've changed it from fragrances to perfumes- No? anybody using like one UFI for a group of perfumes? No.

Sam Golliker

We haven't got anything that's massively grouped together anyway. Lubrizol generally but we're actually using the system to system soon directly to ECHA so it's going to be so simple that we probably wouldn't even bother using that function.

Because it's so quick to just send one submission anyway to all member states if you want.

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17 Darrell Nash's funeral

Janet Greenwood

Just to say that some of us are going to Darrell Nash's funeral on Thursday. I haven't heard yet back about the live stream, but I will send it around in an email.

Link here:

https://pearson.ourmemorialpages.co.uk/memorial_page/memorial_page_links.php?order_id=3835270&set_site_id=133&cat=links&sign=2331adffeea0a42d091be8d00efcff04
(you need the log in and password).

But remember, you may need to copy the email link into your browser if you do want to watch the replay. This is up for about 3 more weeks.

18 Next CRSHG Meeting

Mick Goodwin

Next meeting date? Do we have one yet? I think we do.

Janet Greenwood

I think the next one is due to be the June meeting.

Mick Goodwin

15th June.

Janet Greenwood

In theory, and this is only in theory, it is supposed to be at the Holiday Inn Brighthouse. Just off J25 of the M62. However, if, live meetings are allowed by then we may be able to go ahead live or sort of "live and online".

I suspect we're probably going to have to do it on Zoom again. And we've just got to keep everybody posted, haven't we?

19 Alan Ritchie

Alan Ritchie

I just want to chip in one other thing, which is this is probably my swan song, as far as attending this group is concerned.

Obviously, Mick's now joined the WSP team. And Mick's already heavily involved with this group. I'm going to stand down and let him take over my role in this group.

If I'm needed on a specific item, I'm more than happy to participate in zoom call. I'm not going to drive all the way to Yorkshire and drive back again to one hour item, but I will happily join on a part time basis as required.

Did you say it's a fact that you need to do something about the chairmanship of this group and I'm just raising that? Or is that something going to deal with at a later date?

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Janet Greenwood

We're going to deal with it at a later date, possibly, we have got a stand-in chair for the next zoom meetings, but I think choosing who chairs the meetings has to be done in the live group really, you know, okay, we need to, we need to find a "willing victim".

Mick Goodwin

It's taken to become a consultant to get out of chairing this meeting now.

Alan Ritchie

Drastic steps!

I'm sure we'll speak again, but I'll say sort of farewell and revoir to all of you.

I've enjoyed, I've enjoyed being involved in this group.

I suspect this won't be the last time we speak, but it's the last formal full time participation you'll see from me.

Mick Goodwin

And thank you! Thank you for the whole group for all your contribution through your time here.

Alan Ritchie

I hope that it's been productive. And you have all put you've had to put up with some of my rants in the process, but you'll just have to live with that I'm afraid.

Mick Goodwin

I've learned how to rein you in now, Alan, it's useful, pre-employment skills.

Alan Ritchie

Useful tip useful toolkit, that Yeah.

Thank you. All right. Thanks, everybody.

20 Close of Meeting

Mick Goodwin

Thank you, everybody, for your attendance. Thank you for your contributions and Thank you for making my job as chairman of this meeting nice and easy.

It has been a challenge on zoom. I can tell you sometimes a challenge in the room when it gets going. But yes, thank you and we will see you all in June hopefully.

Janet Greenwood

Thanks bye !

Everyone saying their goodbyes

Meeting notes produced by

Janet Greenwood and Sarah McLellan

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