



## Expanded points

### 1. Clarity regarding decision-making related to chemicals regulation

For EU member states, judgements regarding EU law are taken by the European Court of Justice (ECJ). In the case of non-EU nations that are part of the European Free Trade Agreement (EFTA), judgements are made in the EFTA court. In the area of chemicals regulation, the European Chemicals Agency (ECHA) also has regulatory powers and decision-making functions.

The Government intends that EU regulations be transposed into UK law via the *EU Withdrawal Bill*. However, there is a gap in terms of decision-making and enforcement of regulations because it is highly unlikely that none of the ECJ, the EFTA court or ECHA will have jurisdiction or decision-making authority over the UK following EU Exit. In order to create more certainty on the future of chemicals regulation in the UK, and to enable efficient and orderly planning of a practical way forward, it is imperative to establish both what legal relationship the UK will have with key bodies such as ECHA and how regulatory decisions will be made in the UK.

In making any new UK law operable for chemicals regulation it will be essential to have structures in place to replace the EU functions that the UK currently relies on. UK committee structures will require expert scientific input and clear decision-making remits. These may evolve from existing bodies and require the development of new structures in the UK. See also Section 2a below re participation in ECHA scientific committees and networks.

The European Chemicals Agency (ECHA) published advice on 25 September 2017, targeted to industry on [‘The UK’s withdrawal from the EU’](#). This website states what the situation would be for the UK on ‘exit day’ according to current EU law, if there are no further negotiations on this subject. It states that ‘British participation [

When EU chemicals regulations are transposed into UK law, this means that the delegated powers in the EU Withdrawal Bill (particularly under clause 7) will be needed to enable UK public bodies to perform the decision-making functions that these EU committees previously carried out on the UK's behalf.

There are also important UK and EU networks of regulators and scientists that enable chemicals regulations to operate, provide data security and provide support to industry. ECHA current guidance also states that on exit day, 'the United Kingdom will cease to be part of these networks', namely the Security Officer's Network (SON) overseeing links to databases and the network of correspondents from national BPR, CLP and REACH helpdesks. These are important networks for the practical operation of REACH, CLP and

0 8 T v ) ]q e N p ( ( . t 5 T( N u [ i ca and at 7170(1.14115 (.717

