EXPLANATORY MEMORANDUM TO

THE REACH (AMENDMENT) (NO. 2) REGULATIONS 2026

2026 No. 849

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Emma Hardy, The Parliamentary Under Secretary of State for the Environment at the Department of Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Marc Casale, Deputy Director for Chemicals and International, at the Department of Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Rusty Odihiri at the Department of Environment, Food and Rural Affairs can be contacted by email at the following address with any queries regarding the instrument: rusty.odihiri@defra.gov.uk. Alternatively, the department can be contacted by telephone: 03459 33 55 77.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals ("UK REACH") which regulates chemicals in Great Britain ("GB"). UK REACH is the assimilated version of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (EUR 2006/1907) ("EU REACH"). UK REACH operates under the principle of "no data, no market" which requires information on substances that are manufactured in, or imported into, GB to be registered with the Agency – the Health and Safety Executive ("HSE").

4.2 This instrument extends the current legislative deadlines for registrants to submit information to the HSE, under UK REACH. It also extends the period in which downstream users and distributors who were importing from the European Union ("EU") before the end of the EU Exit Implementation Period ("pre-IP completion") can continue to import chemicals from the EU without submitting a full registration. Extending these timelines will provide sufficient time for the government to develop and introduce a new transitional registration model, which aims to reduce industry costs significantly.

4.3 Under UK REACH, compliance checks are a regulatory tool used to verify that registration dossiers submitted by registrants meet the legal information requirements set out in the regime. This instrument also amends the dates by which the HSE are required to carry out a proportion of compliance checks, so that these dates now correspond with the extended submission deadlines.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales, and Scotland.

5. Policy Context

What is being done and why?

5.1 This instrument makes changes to extend the existing deadlines for submitting registration information under UK REACH. It also lengthens the period during which downstream users and distributors who were importing from the EU before pre-IP completion may continue to make protected transitional imports. These extensions are intended to give government sufficient time to design and implement an Alternative Transitional Registration Model ("ATRm") to cover registrations of substances which were already on the EU market at the time of EU Exit. By moving the deadlines, industry will also have time to plan for and comply with any revised data requirements that the new model may introduce. The submission deadlines have been extended twice. They were first extended in 2020 under the REACH (Amendment) Regulations 2020 ("the 2020 Regulations") and then in 2023 under the REACH (Amendment) Regulations 2023 ("the 2023 Regulations").

5.2 The statutory deadlines for the HSE to conduct a proportion of compliance checks on submitted information are also being updated so that they remain aligned with the new submission dates.

What was the previous policy, how is this different?

5.3 Under the EU REACH framework, manufacturers and importers were required to demonstrate through registration that they understood the hazards and potential risks associated with the chemicals they placed on the market, and that those substances could be used safely. This information was submitted in a registration dossier to a central database managed by the European Chemicals Agency (ECHA). The regime operated on a "no data, no market" principle, meaning a substance could not legally be placed on the EU market without being registered.

5.4 Following the UK's departure from the EU, the UK REACH Regulation replicated this system to set up an independent domestic regime. Transitional provisions were introduced under Title 14A of UK REACH to support the movement from EU REACH to UK REACH. Existing EU REACH registrations held by UK companies were "grandfathered" into UK REACH, subject to a requirement for these registrants to provide initial notifications to the HSE, followed by further information requirements, which are the full technical dossier (as described in Article 10) and, where necessary, a chemical safety report.

5.5 To manage the transition, these further information requirements were phased with submission deadlines based on tonnage and hazard profile. The deadlines under Article 127P(4B), following the 2023 Regulations, were:

- 27 October 2026 for substances included on the UK REACH candidate list on or before 31 December 2023; substances classified as carcinogenic, mutagenic or

toxic to reproduction and manufactured or imported at one tonne or more per year per manufacturer or importer; substances classified as very toxic to aquatic life and manufactured or imported at 100 tonnes or more per year per manufacturer or importer; and all other substances manufactured or imported at 1,000 tonnes or more per year per manufacturer or importer.

- 27 October 2028 for substances added to the UK REACH candidate list during the period beginning with 31 December 2023 and ending with the first deadline (27 October 2026); and all substances manufactured or imported at 100 tonnes or more per year per manufacturer or importer.
- 27 October 2030 for all remaining substances manufactured or imported at one tonne or more per year per manufacturer or importer.

5.6 UK REACH also placed new registration duties on importers who previously operated as downstream users or distributors under EU REACH. Transitional arrangements allowed these operators to continue importing from the EU while preparing for full registration, following the same phased deadlines as other registrants.

5.7 In addition, Article 41(5) of UK REACH requires the HSE to carry out compliance checks on at least 20% of registration dossiers. The deadlines for completing these checks, following the 2023 Regulations, were:

- 27 October 2027 for registrations that fell under the first registration deadline (27 October 2026).
- 27 October 2030 for registrations that fell under the second registration deadline (27 October 2028).
- 27 October 2035 for registrations that fell under the final registration deadline (27 October 2030).

5.8 The new policy differs from the previous one by amending the statutory timelines for both the submission of transitional registration information to the HSE and the completion of the required proportion of compliance checks on these registration dossiers by the HSE. There is no change to the substantive registration information required to be submitted to HSE, nor to the substance categories assigned to each staged deadline.

5.9 While the earlier framework under the 2023 Regulations required registrants to submit full data packages by 27 October 2026, 27 October 2028, and 27 October 2030, the new policy (paragraph 6.2) recognises that these deadlines are no longer achievable given the need to finalise and legislate for the ATRm. The new policy also recognises the need to amend Article 41(5) to defer compliance checking deadlines so they occur only after the revised submission deadlines (paragraph 6.4).

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument is being made pursuant to powers in section 140 of, and paragraph 1 of Schedule 21 to, the Environment Act 2021. It amends UK REACH which is the assimilated law version of EU REACH. UK REACH regulates the use of chemicals in GB. EU REACH continues to apply in Northern Ireland under the Windsor Framework.

6.2 It amends the definition of "relevant post-IP completion period" in Article 127P(4B) by extending the deadlines to submit information from 27 October 2026, 27 October 2028 and 27 October 2030 (as described in paragraph 5.5) to 27 October 2029, 27 October 2030, and 27 October 2031 respectively.

6.3 By amending Article 127P(4B), this instrument also extends the period of time in which a "protected transitional import" can be made by pre-IP completion downstream users and distributors under Article 127E(2).

6.4 This instrument also extends the timelines, described in paragraph 5.7, during which the HSE is required to carry out a proportion of compliance checks of registration dossiers under Article 41(5) of UK REACH. This is to ensure these deadlines are consistent with the extended data submission deadlines under Article 127P(4B) of UK REACH. The HSE will now be required to complete 20% of compliance checks by 27 October 2030, 27 October 2032, and 27 October 2036, corresponding to the extended submission deadlines described above in paragraph 6.2.

Why was this approach taken to change the law?

6.5 Statutory Instrument is the only possible approach to make the necessary changes under existing powers.

7. Consultation

Summary of consultation outcome and methodology

7.1 Paragraph 5 of Schedule 21 to the Environment Act 2021 requires the Secretary of State to consult before making regulations under the Schedule. Between 14 July and 8 September 2025, Defra ran a public consultation on proposals to extend the transitional registration deadlines under UK REACH. A statement was published alongside the consultation, as required by paragraph 1(5) of the Schedule, explaining why the Secretary of State considers that the provision to be made by the regulations is consistent with Article 1 of UK REACH.

7.2 Defra sought views on three options for revised deadlines, in addition to the baseline "do nothing" position. Option 1 set out new dates of 27 October 2029, 27 October 2030 and 27 October 2031 (one-year intervals). Option 2 proposed extending deadlines by two years at a time, while Option 3 suggested one-year intervals but starting earlier than Option 1. Views were also invited on whether compliance check deadlines under Article 41(5) of UK REACH should be moved to remain consistent with any revised submission dates.

7.3 The consultation was designed to capture both quantitative preferences (through ranked options and yes/no questions) and qualitative perspectives (through free-text answers). A total of 210 responses were submitted, reflecting views from large companies, small and micro businesses, trade and industry associations, consultancies, NGOs, and other interested organisations. Responses were analysed by business size, sector and role in UK REACH. While this provided a broad overview of stakeholder positions, very little numerical evidence on costs was submitted, meaning that the findings are drawn mainly from qualitative analysis.

7.4 Responses showed widespread rejection of the "do nothing" scenario. The strongest first preference was for Option 2, which many small or micro businesses and trade associations felt would allow compliance costs to be spread more evenly. However, taking first and second preferences together indicated broad equivalence between Option 2 and Option 1, which was regarded by some as a reasonable compromise that avoided unnecessary delay. Option 3 received limited support but was favoured by NGOs, who prioritised fastest access to safety data.

7.5 Across the free-text questions, most respondents agreed that extending the deadlines would not weaken protections for human health or the environment, as obligations such

as requirements for Safety Data Sheets under Article 31 of UK REACH and hazard labelling under assimilated Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, remain in place. Many also stressed that the most hazardous substances should be prioritised in the earliest deadlines and compliance checks. Other issues raised were outside the direct scope of the consultation, but included duplication with EU REACH, risks arising from regulatory divergence, and the need for clarity on the development of the ATRm.

7.6 The consultation responses also indicated strong support for the government's proposal to adjust the compliance check deadlines to be consistent with the revised submission deadlines.

7.7 Further details of the consultation, including the full analysis of stakeholder responses, are available on the GOV.UK website at: https://www.gov.uk/government/consultations/uk-reach-extending-dossier-submission-deadlines-for-transitional-registrations

8. Applicable Guidance

8.1 The guidance on UK REACH on the GOV.UK website will be updated at the time this instrument comes into effect.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does impact small or micro businesses (SMBs).

9.4 This policy is not expected to negatively affect businesses of any size. However, cost savings from discounted terms could benefit SMBs less proportionally than larger businesses. This is due to shorter extensions linked to later deadlines for smaller tonnages, which are expected to impact smaller businesses more, as indicated by REACH notification data. Of the 3,195 registered businesses in the GB chemical sector, 3,125 (98%) are small, medium and micro businesses. The only additional cost associated with this measure is the time required for familiarisation. This is estimated at approximately £5 per firm, based on around 10 minutes to read the regulations in the central scenario. The cost range is £3.80 to £7.60, depending on reading speed. We anticipate that SMBs can absorb this minimal cost without any significant burden.

9.5 There is no, or no significant, impact on the public sector.

9.6 Extending the deadlines will not affect public sector finances. UK REACH is funded on a full cost recovery basis through fees paid by registrants to HSE. The change only shifts when those fees are paid, not how much is paid, and it does not require any extra public spending under the baseline or the preferred options.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is by means of comparing the number of registrations submitted to HSE by each registration deadline with information provided in the initial notifications required under the UK REACH transitional provisions, and supported by relevant enforcement powers.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under Secretary of State for the Environment, Emma Hardy, has made the following statement regarding Human Rights:
"In my view, the provisions of the REACH (Amendment) (No. 2) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").