



Alignment on REACH bans, authorisations and restrictions alone won't save UK-EU chemicals trade without full recognition of EU registrations

The Alliance of Chemical Associations (ACA) has today responded to the recent publication of the Government's response to the consultation on the UK REACH Alternative Transitional Registration model (ATRM). After almost five years of debate and delays, the response still leaves industry facing additional regulatory burdens, hinders new products being brought onto the GB market and leaves serious questions over data requirements despite the goalposts on regulating chemicals in the UK through bans or use authorisations and restrictions via REACH having shifted to 'EU alignment by default'.

Whilst the Government will not introduce the additional use and exposure requirements proposed in the consultation, which is welcomed, the requirements to submit some hazard and use and exposure information, and in some cases chemical safety assessments and reports, remain, all via substance groups for data sharing and joint submission. The Government response repeats the "no data, no market" mantra. This ignores the fact that data already exists, hazard and use and exposure data being publicly available on the ECHA website and in substance safety datasheets.

Our position on providing data for the registration of substances already registered under EU REACH is and has always been clear. There is no added benefit to the high level of protection for human health and the environment or logic in what is still expected to be a costly £500 million plus data gathering and administration exercise, given that we (GB) will be aligning with EU bans, authorisations and restrictions, with any divergence only in exceptional cases. This cost will ultimately be borne by UK businesses across the chemicals and wider manufacturing supply chains. We have yet to hear a clear and concise argument why Government is insisting on building a costly UK chemicals database for potentially up to the ~20,000 substances already registered under EU REACH before the end of the EU Exit Transition Period. As the Government is prepared to accept EU regulatory decisions anyway, it is unclear to what extent any additional information collected through a separate UK registration process would be used for in practice.

What's more, by insisting on fully duplicating UK and EU REACH registration requirements for new or novel chemical innovations registered in the EU since the end of the EU Exit Transition Period the approach undermines yet again the UK's attractiveness as a location for innovation, investment and scale-up. One of many challenges clearly outlined in the Government response that remain unaddressed.

There is already a clear approach the UK could adopt: recognise all EU registrations, in line with the overarching UK objective to align with the EU, which the Government has already drawn on in other areas of chemicals' regulation. Extending this logic to UK REACH registrations would be the most effective way to support innovation, competitiveness and secure supply whilst maintaining the same

¹ The Alliance of Chemical Associations (ACA) consists of 15 trade associations representing some 1400 companies, the majority of which are SMEs, operating in many sectors of the chemical industry supply chain, from the manufacture and the distribution of chemicals to their use for products such as plastics, paint and cosmetics.



robust health and environmental protections as the EU. This does not need to be agreed by the EU. The UK authorities could still maintain visibility of which substances are placed on the GB market and in what quantities by requiring this information through a notification process. This information could additionally be regarded as satisfying the legislation's "no data, no market" requirement.

This Government announcement is just another example of a missed opportunity by a UK administration that claims it is committed to "growth" and scaling back regulation. The cost of doing business in the UK continues to rise due to energy, employment and raw material costs, and this long-delayed consultation response does nothing to alleviate that burden.

Notes:

The REACH regulations consist of key parts - Registration, Evaluation, Authorisation and Restriction of Chemicals. Although similar in structure, EU and UK REACH are implemented independently from each other, with separate registrations and authorisation applications required to access both markets. In this context, the best EU exit outcome would have been for the UK to fully remain within EU REACH framework – a position ACA continued to push for during Brexit negotiations to avoid market access and trade barriers faced today.

Defra has recently confirmed it will unilaterally align UK REACH regulatory decisions with those taken under EU REACH to ban, authorise or restrict chemicals (the Authorisation and Restriction parts of REACH). However, this approach alone does not reduce the costliest trade barrier stemming from having two separate regulatory systems (UK and EU REACH). As long as this remains the case, UK businesses will continue to be subject to the duplicative, costly data submission part of REACH – Registration. The situation is particularly complex for GB's distributors and downstream user industries. Companies who import from EU suppliers chemicals not only as individual substances but also in the form of mixtures, frequently SMEs, will be forced into the role of first-time registrants for all substances imported at 1 tonne or more per year, despite lacking resources, to create data and register with no additional benefit to the high level of protection of human health and the environment which other elements of UK REACH provide.

Under ATRm, companies will continue to be required to submit UK-specific registrations, even where substances are already fully registered under EU REACH. While the revised ATRm data set reduces hazard information requirements, and maintains use and exposure information at current levels in the existing UK REACH legislation, it does not remove the need for a parallel UK registration system and associated administrative work. Businesses will face more pressure because, with the upcoming revised registration deadlines, implementation will have to be squeezed into just 12-month periods (27 October 2029, 27 October 2030, and 27 October 2031), rather than 24-months as is currently the case and originally expected.

Furthermore, the Government response does not yet provide clarity on the use of publicly available data for UK REACH registration purpose. Without urgent, official guidance from Government on whether public data can be used for UK submissions without the data owners' consent, the ATRm risks failing to deliver its intended reductions in cost. In addition, the response does little to support

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novel chemicals or innovation, as substances registered in the EU since the end of the EU Exit Transition Period (and therefore considered new to the GB market) will continue to face fully duplicative UK and EU REACH registration requirements including the generation of hazard data, possibly involving testing on animals. For innovative and speciality chemicals in particular, this adds significant additional cost and administrative burden, risks delaying market entry in the UK, and undermines the UK's attractiveness as a location for innovation, investment and scale-up.

<https://www.acauk.org/>

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