

The Chemical Business Association – Written evidence (CRB0004)

POST-BREXIT REGULATORY FRAMEWORK FOR CHEMICALS

We were interested to watch your Committee's evidence session yesterday with the Secretary of State for the Environment, Food, and Rural Affairs, the Rt Hon George Eustice MP. This note expresses our concern that the Secretary of State has failed to consider the issues concerning the testing data required to underpin registrations to UK REACH from the industry perspective.

Defra's position appears to be that as the majority of the data supporting registrations to EU REACH is owned by consortia of European companies, then it is a strictly commercial issue for UK companies to negotiate access to it. The Government's contribution to this process seems to be limited to the (very welcome and necessary) extension of the registration deadlines for UK REACH.

During the evidence session, the phrase 'data sharing' was used implying that the EU's data-sharing rules would apply to the cost of access to data for the purposes of UK REACH. These rules, ensuring access to data was sold at an equitable cost and providing an appeal system if it was not, do not apply to third countries such as the UK after 1 January 2021.

This means that there is a 'blank cheque' element to the price that could be demanded by European consortia for access to the data it owns. It is worth noting that EU REACH has already cost the UK industry millions of pounds and UK REACH is estimated to cost a further one billion pounds.

As far as access to testing data is concerned, UK REACH has created a sellers' market in which the buyer has little or no negotiating leverage. In many cases, it will be to the advantage of the current data owners to deny access for their own commercial gain.

The only solution is for the Government to negotiate access to the database of the European Chemicals Agency ensuring that UK companies are not held to ransom by current data owners. Failure to do so will have serious consequences for the industry and the UK economy.