

Export and import of hazardous chemicals if there's no Brexit deal

Summary

How the export and import of some hazardous chemicals would be regulated if the UK leaves the EU in March 2019 with no deal.

Detail

If the UK leaves the EU in March 2019 with no deal, find out how this would affect the notification requirements for some hazardous chemicals being exported from the UK.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

The purpose of this notice is to outline the arrangements that would come into force to regulate chemicals in the unlikely event the UK leaves the EU on 29 March 2019 with no agreement in place, with respect to the Export and Import of Hazardous Chemicals Regulation (known as the PIC Regulation).

Before 29 March 2019

The directly-applicable PIC Regulation (Regulation (EU) No 649/2012) implements in the EU the international Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, but goes further than the Convention in applying the provisions to chemicals considered to be banned or severely restricted in the EU under other chemicals law, principally the Plant Protection Products Regulation, the Biocidal Products Regulation and the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH). The PIC Regulation requires exports of listed chemicals to be notified to the importing country and for some chemicals the consent of the importing country must be sought before export can proceed.

The European Chemicals Agency (ECHA) facilitates the operation of the PIC Regulation through its ePIC IT system.

After March 2019 if there's no deal

The UK would establish an independent standalone PIC regime so that the UK can continue to meet its international obligations under the Rotterdam Convention. This would initially be based on the existing EU regime, with amendments to enable functions presently carried out by the EU to continue. UK exporters would continue to notify exports of listed chemicals via the Health and Safety Executive (HSE) as the UK PIC Designated National Authority (DNA) (appointed jointly with the Health and Safety Executive for Northern Ireland).

UK-based companies exporting or importing listed chemicals (including to or from EU countries) would need to comply with the requirements of the UK PIC Regulation.

Implications

Although much of the existing system would continue to apply, there will be changes:

- UK-based companies would no longer have access to ePIC and would need to use the UK's new system that would be operated by the HSE (as the PIC DNA) to notify exports of listed chemicals from the UK. New UK procedures for notifying exports will be in place ahead of exit day so that UK businesses will use them for exports leaving the UK after 29th March.
- The UK PIC Regulation would apply to the export of listed chemicals that are exported from the UK, including to EU countries. Companies that currently only move listed chemicals within the EU single market and do not export them outside the EU would have to start to notify these to HSE (UK DNA) under UK PIC.
- The intention would be to recognise UK export notifications for 2019 that are already in place when we leave the EU, with no requirement to re-submit the notification for that year (export notifications are only valid in any calendar year). Where the first export in 2019 of the chemical falls after 29 March 2019, UK companies would need to notify these to UK DNA using the new UK system.
- Where explicit consent has been given by an importing country to another EU country under the current EU PIC arrangements, it may be necessary to seek the consent of that country for UK exports of the chemical after 29 March 2019.
- Exporters and importers would need to include in the information they submit to the UK DNA in the first quarter of each year, details of the quantities of listed chemicals exported to or imported from EU countries, as well as other countries.

More information

Further information and instructions will be published in the coming months. We aim to give businesses and individuals as much certainty as possible as soon as we can, and to ensure that any new requirements are not unduly burdensome.

Here is [existing guidance](<http://www.hse.gov.uk/pic/index.htm>) on the export and import of hazardous chemicals from and into Europe under the PIC Regulation.

We also recommend reading the following technical notices:

- [Regulating chemicals (REACH) if there's no Brexit deal](<https://www.gov.uk/government/publications/regulating-chemicals-reach-if-theres-no-brexit-deal>)
- Regulating biocidal products if there's no Brexit deal [ADD LINK]
- Regulating pesticides if there's no Brexit deal [ADD LINK]

- Classifying, labelling and packaging chemicals if there's no Brexit deal [ADD LINK]
- Control on Persistent Organic Pollutants if there's no Brexit deal [ADD LINK]
- Control on mercury if there's no Brexit deal [ADD LINK]

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.