



The Scottish Parliament  
Pàrlamaid na h-Alba

Nicole Paterson  
Chief Executive Officer  
Scottish Environment Protection  
Agency (SEPA)

By email only

**Net Zero, Energy and Transport  
Committee**

c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
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21 March 2023

Dear Nicole,

**THE REACH (AMENDMENT) REGULATIONS 2023  
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

At its meeting this morning, the Net Zero, Energy and Transport Committee of the Scottish Parliament considered a Scottish Government type 1 notification of its intention to consent to UK secondary legislation affecting devolved areas arising from EU Exit. The public paper for this item including the formal notification itself is available here:

[Clerk's note - The REACH \(Amendment\) Regulations 2023 \(Scottish Parliament\)](#)

As you may know, the Committee's role in relation to such notifications is, in essence, to express a view on whether it agrees to consent being given.

The Committee's discussion is available at the following clip on [scottishparliament.tv](http://scottishparliament.tv). An Official Report of the meeting will also become available by the end of the week.

- [Net Zero, Energy and Transport Committee | Scottish Parliament TV](#)
- [Official Report - Scottish Parliament](#)

The REACH (Amendment) Regulations 2023 extend the deadlines (by 3 years for each category of chemical) by which manufacturers or suppliers of chemical substances must register these with the UK scheme replacing the EU REACH (regulations relating to the Registration, Evaluation, Authorisation and Restriction of Chemicals). The deadlines for compliance checks by HSE are also proposed to be extended by 3 years.

The Committee has various questions about the implications of these regulations which it agreed today to ask the Minister for Environment and Land Reform at our meeting on 28 March.

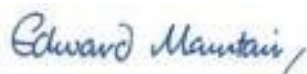
In advance of that evidence session, the Committee would welcome your views on these regulations and the implications of the extensions of the deadlines for Scotland. In particular, the Committee seeks views and information on—

- Was SEPA consulted (by Scottish Government or directly by Defra or the Environment Agency) as part of the proposals to extend the registration and compliance check deadlines in these Regulations, and if so what advice was provided?
- How, in practice, might the delay in these deadlines impact on SEPA's abilities to fulfil its enforcement roles under UK REACH?
- Does SEPA have the information required under the current transitional system to effectively fulfil its functions and ensure a high level of environmental protection in relation to chemical use?
- Does SEPA expect to be involved in the development of the alternative registration model referred to in the SI notification?
- Has any advice been provided on this issue (the development of an alternative registration model) to date?

A very compressed timetable applies in relation to this notification process. In order for any response to help inform our evidence session with the Minister, it must reach us by the **morning of Monday 27 March**. I do apologise for the inconvenience.

Please be aware the Committee has also written to Environmental Standards Scotland, the Health and Safety Executive, and the Department for Environment, Food and Rural Affairs regarding the statutory instrument proposals.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain".

Edward Mountain MSP  
Convener  
**Net Zero, Energy and Transport Committee**