

UNITED KINGDOM

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by the UK in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	UK
Article	
5	X
6(1)	
6(2)	
6(3)	
7(1)	
7(2)	X
7(3)	X
7(5)	
8(1 and 2)	X
9(2)	X
9(6)	X
10	
11(1 and 3)	
12(1)	
12(2)	X
13(1-5)	
14(1)	
14(6)	X
14(7)	X
17(1 and 2)	
18(1 to 3)	
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	X
22(2)	X
24(2)	X
25(1)	
26(1)	X
27(1 to 3)	X
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	X
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	
37(3)	X

Country	UK
Article	
37(4)	X
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	
38(3)	X
38(4)	X
40(4)	
41(4)	X
46(2)	X
49(a)	X
50(2-3)	
50(4)	X
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	X
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67(1)	X

2. Types of offences related to REACH in UK

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in the UK. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	N/A	- Failure to comply with all identified requirements of REACH related to registration and evaluation (all offences are considered as criminal).
Offences related to authorisation and restrictions requirements	N/A	Failure to comply with all identified requirements of REACH related to authorisation (all offences are considered as criminal).
Offences related to the supply chain requirements	N/A	- Failure to comply with the supplier obligation to supply safety data sheet (Article 31). - Failure to respect the provisions relating to the obligation of the members of the supply chain to communicate and update information (Article 32,

		Article 32(2),(3), Article 33(1), Article 33(2), Article 34, Article 35, Article 36, Article 37(3)).
Offences related to the downstream user requirements	N/A	Failure to comply with the obligation to provide or report information on the substance, preparation, article (chemical safety report, duty to apply and recommend risk reduction measures.) (Art 37(3) Art 37(4) Art 37(5) Art 37(6) Art 37(7) Art 38(3) Art 38(4)).

3. Sanctions applicable to legal persons in the UK

This table mentions whether or not the UK applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
UK	Y	Identical to natural persons	N

4. REACH related administrative and criminal penalties in the UK

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in the UK. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	N/A	<ul style="list-style-type: none"> • On summary conviction, a fine up to a £5000 (5606 EUR) or to imprisonment not exceeding three months, or both. • On conviction on indictment, to a fine (unlimited) or to imprisonment not exceeding two years, or both.
Penalties related to infringement of authorisation requirements	N/A	<ul style="list-style-type: none"> • On summary conviction, a fine up to a £5000 (5606 EUR) or to imprisonment not exceeding three months, or both. • On conviction on indictment, to a fine (unlimited) or to imprisonment not exceeding two years, or both.
Penalties related to infringement of the supply chain requirements	N/A	<ul style="list-style-type: none"> • On summary conviction, a fine up to a £5000 (5606 EUR) or to imprisonment not exceeding three months, or both. • On conviction on indictment, to a fine (unlimited) or to imprisonment not exceeding two years, or both.
Penalties related to infringement of the downstream users	N/A	<ul style="list-style-type: none"> • On summary conviction, a fine up to a £5000 (5606 EUR) or to imprisonment not exceeding three months, or both. • On conviction on indictment, to a fine (unlimited) or to imprisonment not exceeding two years, or both.

requirements		
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5. Short description of REACH sanctions and related issues in the UK

Administrative sanctions as defined in the continental law system do not exist in United Kingdom. Persons that infringe REACH obligations can be convicted on summary conviction (petty offences) or on conviction of indictment (serious offences) depending on the level of the infringement. The UK legislation has stated very precisely all the REACH obligations that might be subject to a penalty if not respected. (Schedule 1 of the REACH enforcement Regulation). This approach might have been taken in order to help judges to easily determine which infringements of the REACH obligations are subject to a penalty.

Regulation 3 of the Enforcement Regulations sets out which enforcing authorities are responsible for enforcing which provision of REACH and the limitations on that duty. The UK legislation aims at clearly defining the area of competence of each enforcement authorities. For example HSE (Health and Safety Executive) will enforce the *registration related duties* of REACH across the UK. The Enforcement Regulations also provide that, for a number of use-related duties in REACH, more than one enforcing authority has an enforcement duty. For instance, where the use of a substance presents risks to workers' health, safety and welfare and also to the environment, both the relevant health and safety regulator and the environmental regulator have enforcement responsibilities. However, the HSE in those circumstances shall always be the lead enforcing authority.

Inspectors, in order to enforce the REACH Regulation, shall do some visits to any premises where substances, mixtures or articles are manufactured, imported, supplied or used.