

Brexit: An examination of key developments and their potential influence on European chemical laws

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On 23 June 2016, more than 30 million people voted in a referendum to decide whether the United Kingdom (UK) should 'Leave' or 'Remain' in the European Union (EU). The referendum turnout was 71.8 per cent and the Leave campaign won by 52 per cent to 48 per cent, making 'Brexit' an important and imminent probability, with potentially substantial implications for a range of stakeholders, including the chemicals industry.

Between then and now, there have been significant developments in case law and statute, culminating in the triggering of Article 50 of the Lisbon Treaty and the issuing of a White Paper setting out the UK's strategy for repealing the European Communities Act 1972 (ECA 1972) and ending the supremacy of EU law. The Brexit process and potential outcomes, including 'knowns and unknowns', are subject to change and are evolving at an exceptionally rapid pace, and will likely continue to do so. Terminology utilised for important documents and events has changed since the start of the Brexit story in June 2016. Many Brexit-related issues depend significantly or entirely on outcomes of political negotiations, and making any predictions has become a challenging endeavour. The global chemicals industry is well advised, as part of an effort to support regulatory and legal compliance, to monitor regularly news and consultations regarding Brexit.

Sections 1–4 below examine key Brexit-related events, various matters related to Article 50, the White Paper and the European Union (Notification of Withdrawal) Act 2017¹, and possible models for the UK's post-Brexit relationship with the EU. Section 5 addresses numerous issues, challenges and possibilities related to the UK's potential post-Brexit legal and regulatory framework for safe management of chemicals.

1 Brexit politics

England and Wales voted relatively strongly for Brexit, whereas Scotland and Northern Ireland supported remaining in the EU. The Leave campaign, which included the UK Independence Party (UKIP) and approximately half of the Conservative Members of Parliament (MPs), suggested that the EU imposes too many rules on businesses and charges billions of pounds annually for membership fees, while providing little in return. Additionally, the Leave campaign cited sovereignty and democracy as reasons for leaving the EU, indicating that the UK alone should make decisions on its borders.

Mr Cameron was the leading voice in the Remain campaign, after reportedly reaching an agreement with other EU leaders that would have changed the terms of the UK's EU membership if the Remain campaign won the referendum. Mr Cameron stated that the deal would have given Britain 'special' status and assisted in managing some aspects of EU membership that UK residents reportedly dislike (eg high levels of migration to the UK by EU citizens). The Remain campaign, which Mrs May supported, argued that the UK benefits immensely from EU membership in terms of trade, and that immigration fuels economic growth and helps pay for public services. Additionally, the Remain campaign suggested that the UK's global reputation and status would be damaged by leaving the EU and that it is more secure as part of the '28 nation club'.

2 Article 50, withdrawal agreement negotiations and mechanics for Brexit

To start the process of the UK's departure from the EU, the UK notified the European Council of its intention to withdraw by invoking Article 50 of the Lisbon Treaty on 29 March 2017, which gives the UK and the EU two years to negotiate and approve a withdrawal agreement. This development is instrumental; it has been referred to as a 'one-way ticket' out of the EU, and means that the UK will probably depart from the EU in March 2019. Notice under Article 50 cannot be withdrawn once given. At the end of the two years, if there is no agreement, negotiations can be extended by the unanimous consent of the European Council and the UK. If, however, at the end of two years no agreement is reached on the terms of Brexit and there is no agreement to extend the two-year time frame, EU treaties will cease to apply in the UK.

As Article 50 has been triggered by the UK, negotiations to reach an agreement commenced between the UK and EU. The European Parliament would need to approve the agreement by a simple majority, whereas the European Council needs to adopt the agreement by qualified majority (ie approval from at least 20 EU countries and 65 per cent of the EU population). If the deal reached between the EU and UK is a 'mixed agreement', it would need to be ratified by each EU Member State individually. Under these circumstances, the deal could be rejected by EU Member States, but this would not prevent the UK from leaving the EU. The UK will leave the EU and the UK Parliament will repeal the ECA 1972 under the European Union (Notification of Withdrawal) Act 2017, formerly referred to as the Great Repeal Bill. After the UK's

¹ As of 16 March 2017, the Great Repeal Bill is known as the European Union (Notification of Withdrawal) Act 2017.

departure from the EU, if it wished to rejoin, it would need to apply for membership under Article 49 of the Lisbon Treaty.

Negotiations on the withdrawal agreement must be conducted in accordance with Article 218(3) of the Treaty on the Functioning of the EU and are likely to focus on the mechanics of the UK's withdrawal from the EU and transitional provisions in policy areas currently covered by EU treaties, among other topics. Withdrawal and transitional provisions will require discussions covering a wide variety of policy areas, including transfer of regulatory responsibilities; arrangements for contracts prepared in accordance with EU law; access to EU agencies that play a role in UK domestic law; the status of the UK's environmental commitments made as a party to United Nations (UN) Conventions and currently implemented through EU legislation; cross-border security arrangements, including access to EU databases; and cooperation on foreign policy, including sanctions.

Although UK–EU negotiations have commenced and related timelines and plans are in place, there are uncertainties related to activities between now and Brexit, as Article 50 has never been invoked previously. Similarly, only Greenland has ever left the EU and it is anticipated that the UK's departure from the EU will present far more complex issues than in the case of Greenland. Greenland's departure from the EU took three years and over 100 meetings with EU officials – these figures may trouble those that believe Brexit negotiations can be completed within the prescribed two-year time frame. Based on Brexit-related matters to date, and in consideration of the number of actors and political interests involved, it is expected that all Brexit negotiations will be complex and contentious, and present myriad unprecedented challenges.

3 MPs' vote, the White Paper and the 'Great Repeal Bill'

As a result of the Supreme Court's judgment in *Miller*,² MPs were required to vote on whether or not Article 50 could be triggered by the UK to commence the withdrawal process from the EU. On 1 February 2017, MPs voted by a majority of 498 votes to 114 votes to approve that Article 50 be invoked. Following readings and committee and report stages within the House of Commons and the House of Lords, and consideration of amendments, royal assent was granted to the EU (Notification of Withdrawal) Act 2017 on 16 March 2017.

Mrs May's government had initially introduced a 'Great Repeal Bill', which was further elaborated upon in the White Paper issued by Mr Davis, Brexit Secretary. The Great Repeal Bill/EU (Notification of Withdrawal) Bill was 'one of the largest legislative projects ever undertaken in the UK'.³ The central goals of the Bill were:

- to repeal the ECA 1972
- to 'transpose' EU legislation into UK law and
- 'create powers to make secondary legislation'.

The Great Repeal Bill received royal assent on 16 March 2017 and is now formally known as the European Union (Notification of Withdrawal) Act. However, transposing EU law to continue to apply in the UK following Brexit presents a unique and diverse challenge for legislators. Large portions of EU legislation could be nonsensical post-Brexit if simply added to British law without substantive modification (eg references to EU institutions). The House of Lords Select Committee drew a distinction between the above-mentioned transposition and a 'subsequent discretionary process in which the government and Parliament choose which bits of EU law to keep and which to replace or modify'. The Committee stated that the Bill (as it was then) should not be used as a shortcut to pick and choose laws – this should be performed through primary legislation that is subject to full Parliamentary scrutiny. Relatedly, the potential upcoming use by the UK government of 'Henry VIII' clauses to repeal and enact laws without parliamentary scrutiny has been heavily and widely criticised.

4 'Soft' and 'hard' Brexit, and possible models for the UK's post-Brexit relationship with the EU

The terms 'soft' and 'hard' Brexit are being increasingly used, and although there is no precise definition for either, the terms refer to the nature of the UK's post-Brexit relationship with the EU. The term soft Brexit is typically associated with a closer and more cooperative post-Brexit relationship with the EU. Supported by many 'Remainers', a soft Brexit would maintain uninterrupted access to the single market for the UK, although the UK would no longer have a presence in the European Parliament or European Council. In contrast, the term hard Brexit, associated with a more distant relationship with the EU post-Brexit, has been used to describe the UK potentially leaving the EU and giving up full access to the single market and the Customs Union. Among the potential consequences of a hard Brexit, the option favoured by ardent 'Brexiters', are that the UK would be regarded as a 'third nation' and would therefore trade on World Trade Organization (WTO) terms until bilateral agreements are concluded with the EU.

On 8 January 2017, Mrs May stated in an interview with Sky News that:

Over the coming weeks, I will be setting out more details of my plan for Britain. I think often people talk in terms as if somehow we're leaving the EU but we still want to kind of keep bits of membership of the EU. We're leaving! We're coming out. We're not going to be a member of the EU any longer.

In this interview, when asked if full control over immigration would be prioritised above membership of the single market in negotiations with the EU, Mrs May did not offer a precise answer. This interview and other pertinent developments since have resulted in widespread speculation and concern regarding the possibility of the UK heading for a

2 *R (on the Application of Miller and Another) (Respondents) v Secretary of State for Exiting the EU (Appellant)* [2017] UKSC 5.

3 UK Parliament Legislating for Brexit: The Great Repeal Bill <http://research.briefings.parliament.uk/ResearchBriefing/Summary/CBP-7793>.

hard Brexit. While hard Brexit is plainly a real possibility, the complexity of Brexit negotiations and important issues involved (eg citizens' rights) suggest that a variety of UK–EU post-Brexit relationship models are 'on the cards'. These include:

- *European Economic Area (EEA) membership*: If the UK joined the EEA alongside Norway, Iceland and Lichtenstein, it would maintain access to the single market, be obliged to make financial contributions to the EU and accept the majority of EU laws, and accept the EU principle of free movement of persons.
- *European Free Trade Area (EFTA) membership and bilateral agreements*: If the UK joined EFTA alongside Switzerland, it would maintain access to the EU market through a series of bilateral agreements agreed with the EU over the last 30 years, which cover some but not all areas of trade. The UK would be required to make a financial contribution to the EU, although this contribution would be smaller than if the UK obtained EEA membership.

Under this model, there would be no general duty to apply EU laws; however, the UK would need to implement certain EU Regulations to facilitate trade. EFTA membership would mean agreeing to the principle of free movement of persons, although there could be an option to give UK citizens the 'first option' for jobs.

- *Membership of the Customs Union*: If the UK were to obtain membership of the Customs Union, alongside Turkey, there would be no tariffs or quotas on industrial goods exported to EU Member States. The Customs Union does not apply to agricultural goods, public procurement or services. Under these circumstances, the UK would be required to apply the EU's external tariff on goods imported from outside the EU.
- *Free trade agreement*: If the UK were to negotiate a free trade agreement with the EU, similar to Canada, rules on international trade would be set by the WTO. Under this arrangement, the UK would not be required to make financial contributions to the EU or accept the free movement of persons. There would also be no obligation to apply EU laws, although traded goods would need to meet EU standards.
- *WTO*: If the UK traded under WTO rules post-Brexit, there would be no free movement of persons or financial contributions to the EU. There would be no obligation to apply EU laws, although traded goods would need to meet EU standards. Trade in services would be restricted under this model.
- *New model*: Mrs May has expressed that the UK will be seeking a unique model for future relations with the EU, rather than the above-mentioned 'off-the-shelf' models. This unique model could take the form of an association agreement, and would need to be agreed in unanimity by the European Council and approved by the European Parliament.

If the UK were to develop a unique relationship with the EU post-Brexit, it may seek to become part of an arrangement conceptually similar to, but legally different

from, the Customs Union – while securing its key political priorities.

The post-Brexit trade deal will surely be particularly challenging because it needs unanimous approval from numerous national and regional parliaments across Europe. Based on recent discussions, it is expected that the UK's access to the single market and the right of EU citizens to live and work in the UK will be important topics for negotiation in determining the UK's post-Brexit relationship with the EU.

It is anticipated that discussions on the UK's post-Brexit framework with the EU will present unique challenges and that the UK's viewpoints will reflect Mrs May's government's priorities (eg prioritisation of free trade agreements, deregulation in the UK). The outcome of the negotiations for the UK's post-Brexit relationship with the EU will probably be impacted substantially by the EU's receptiveness to the UK's potential proposals and the UK's flexibility on its standpoints. While EEA membership potentially represents a beneficial economic outcome for the UK, it may not be in line with the UK government's political plans.

5 Brexit and European chemical laws

Numerous environmental challenges prevail for Europe and the UK as we approach the most important time frame in the Brexit process. Concerns relate to air quality, water quality, pollution, waste management, nature protection, climate and energy, agriculture, fisheries and, of course, chemicals. The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation and the Classification, Labelling and Packaging (CLP) Regulation are 'the recognised cornerstones of the chemicals acquis' and therefore have attracted significant Brexit-related attention. It has been questioned whether the UK will continue to treat substances of very high concern (SVHC) under REACH and 'articles' in a similar fashion to the EU, and uphold the globally harmonised system of classification and labelling of chemicals (GHS) post-Brexit. It would appear that the UK will continue to uphold high environmental health and safety standards, including measures relating to REACH SVHCs, GHS and other aspects of EU chemicals law, post-Brexit.

While significant EU chemicals legislation has historically been enacted in the form of Directives (eg Dangerous Substances Directive, Dangerous Preparations Directive) that required secondary domestic implementing legislation in the UK, EU Regulations now manage the most important topics in European chemicals law. Unlike Directives, Regulations are directly applicable to EU Member States – national law typically only deals with enforcement and penalties. This makes Brexit particularly challenging for the chemicals sector as EU Regulations will cease to have effect in the UK upon Brexit. Important EU Directives such as the Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS 2) also raise questions because if the UK does not implement identical legislation, there is a risk that UK products will not be permitted into the EU.

Given the abundance of laws that will need to be reviewed and considered by officials pre- and post-Brexit, it appears relatively unlikely that the UK will be able to replace in full all EU chemical laws with final versions of UK chemical laws before the UK's departure from the EU. It appears more likely that these laws will be gradually reviewed, and that interim legislation may be put in place. If the UK is not required to comply with any EU laws as part of the Withdrawal Agreement, important Regulations such as REACH and the Biocidal Products Regulation (BPR) will cease to have effect in the UK upon Brexit. Understandably, the UK's chemicals industry, through groups such as the Chemical Industries Association, has voiced significant concern regarding the potential regulatory climate in the UK post-Brexit.

Recent government consultations, statements by officials and discussions in the chemicals industry suggest that UK REACH may be on its way. It is possible, of course, that REACH is replaced in the UK by something dissimilar to EU REACH, or repealed entirely. The REACH Regulation will require significant modification by UK officials to ensure any references to EU-specific processes are addressed appropriately – it is clear that this will present substantial challenges as REACH has been amended a number of times and contains over 500 references to EU-specific institutions, which will be invalid for the UK upon Brexit. While UK government officials have suggested that UK REACH will be in force from 'day one' after Brexit, the specifics are unpredictable.

Decisions are needed on whether the UK will adopt a 'dynamic' or 'non-dynamic' approach to REACH post-Brexit. A dynamic approach would be one where the European Chemicals Agency's (ECHA) decisions would be automatically transposed into UK chemicals law (eg new substances added by ECHA to the candidate list for SVHCs). A non-dynamic, and arguably more independent approach from the UK, would be one where UK regulators would consider ECHA's decisions in reaching their own conclusions. The UK will also need to consider, depending upon the REACH-related approach adopted, how to manage the abundance of responsibilities that ECHA currently undertakes without the help of personnel in Helsinki and elsewhere. The UK's Health and Safety Executive (HSE) would require greatly expanded resources to perform tasks such as granting registrations, making authorisation decisions on substances and managing a platform such as REACH-IT. In this regard, the widespread challenges Turkey has faced in terms of developing, implementing and managing its recently published version of REACH, KKDIK, are notable.

Despite the optimism of UK government officials, transitional measures for REACH are possible. This suggestion is in consideration of the challenging task that development of UK REACH presents (ie a 'cut and paste' exercise would not work), and the critical need to avoid creation of a 'regulatory vacuum' and related widespread complications. It is now clear that UK companies will be required to meet the REACH 2018 deadline, as departure of the UK from the EU will occur in March 2019, at the earliest. Unless

the UK becomes part of the EEA and a REACH deal is negotiated, all UK chemical manufacturers will become 'non-Community manufacturers' in the context of REACH upon Brexit, and will therefore be required to appoint Only Representatives (OR) for their imports into the EU – otherwise their customers could face REACH registration obligations. The potential business impact of this on the UK's large chemical sector is tremendous.

Importantly, this may present a significant barrier for small- and medium-sized enterprises (SMEs) based in the UK to place their products on the EU market. SMEs are often challenged by the regulatory, scientific, and financial 'burdens' of REACH – and Brexit could add a thick layer of complexity upon these pre-existing challenges. The UK's Chemical Business Association has urged the UK's Brexit negotiators to secure the changes needed for REACH to 'preserve access to European markets for UK chemical distributors'. Little is known regarding the requirements UK REACH may impose upon entities in the EU exporting to the UK post-Brexit. While it is unlikely, the imposition of 'unusual' requirements in UK REACH post-Brexit presents a potentially demanding task for chemical companies in the EU. In any event, chemical companies exporting products to the UK would need to follow closely development of the UK's REACH-like framework to ensure compliance.

Numerous non-EU manufacturers across the globe that previously appointed ORs in the UK will need revised European chemical compliance strategies following Brexit. When Brexit occurs, provided the UK does not retain EEA membership and reach agreement on REACH applicability with the EU, UK-based ORs will be unable to transfer registrations to other entities in the EU, as the REACH Regulation will no longer include them in its scope. ORs and non-EU manufacturers should consider carefully the implications of Brexit and take suitable steps before the UK's potential departure from the EEA to ensure continuous compliance (eg transfer of registrations to the current OR's new EU entity). UK-based ORs have started establishing entities in other parts of the EU to support their clients' compliance, and it is anticipated that this trend will continually gain further momentum. Many UK-based ORs have opted to retain a presence in the UK to support clients' compliance post-Brexit in the UK and EU. The UK has for the last decade provided an abundance of seasoned REACH experts. The regulatory, scientific and legal knowledge of such personnel would continue to be of value post-Brexit, and could be utilised fully through the establishment of EU offices by UK-based ORs, if required. Although the REACH 2018 deadline will have elapsed post-Brexit, it is anticipated that presence for regulatory reasons will remain essential.

Some UK companies undertaking the Lead Registrant (LR) role under REACH have been challenged by their co-registrants for substances already registered in 2010 and 2013. This has the consequence that a UK company that may be an ideal LR may not be accepted by others in the Substance Information Exchange Forum (SIEF). As 2018 swiftly approaches, this is a challenging situation that leaves

supply chains vulnerable to non-compliance. Furthermore, this situation creates significant possibilities for conflicts regarding data ownership and cost-sharing.

A number of questions remain regarding the impact of Brexit on pre-existing REACH-related data-sharing agreements. If UK REACH were to enter into force upon or following Brexit, it remains unclear whether existing REACH data-sharing agreements would permit use of data for UK REACH compliance purposes. Unless a mutual recognition system can be agreed upon, businesses could potentially be required to provide dual compensation to address REACH compliance in the UK and EU. As EU law will no longer apply to the UK post-Brexit, and in consideration of suggestions that a degree of deregulation may occur in the UK post-Brexit, it will be interesting to see if the UK imposes, in its REACH-like regulatory system, data-sharing requirements similar to those of Commission Implementing Regulation (EU) 2016/9 on Joint Submission of Data and Data-sharing in Accordance with the REACH Regulation. It is anticipated that industry will attain a degree of clarification on such issues prior to March 2019.

The status of EU chemical-related case law, the existing REACH registrations of UK entities and the validity of certain contracts (eg service contracts) also require consideration. UK-based companies that have already registered their substances under REACH will be outside the scope of REACH upon a hard Brexit, and so it is important that timely decisions are made regarding whether these registrations will be grandfathered – or if another process is to be used. The UK has the second highest number of REACH registrations after Germany, and its chemicals sector has a great deal to lose if the UK cannot reach amicable solutions to such issues with the EU.

Despite Mr Davis' 30 March 2017 statement that it would be necessary for the UK to consider the European Court of Justice's (ECJ) judgments post-Brexit to 'ensure continuity', it is possible that the ECJ's judgments will no longer have full effect in the UK post-Brexit. This is because of the unique approach being adopted by the UK government in terms of transposition of EU law alongside a desire for full independence from EU institutions. Similarly, while EU case law may be relevant to a certain degree in the UK post-Brexit, there is potential for varied application. This raises a challenging scenario for businesses and regulators, among others, because disparities may arise in chemical law principles between the UK and the EU. Such disparities, particularly in terms of interpretation and enforcement, could make managing European regulatory compliance more challenging and costly, partly owing to the need for specialised attention.

Under BPR and in a post-Brexit regulatory landscape, UK companies may be required to appoint an EU representative for purposes of the Article 95 list. Additionally, post-Brexit, businesses operating across Europe may not be able to include the UK in any EU-wide biocidal product permitting under BPR. The potential business interruptions and financial implications resulting from these changes are notable. For example, a company

applying for EU-wide biocidal product permitting may face a delay in getting its product to market in the UK, thereby resulting in reduced sales, net profit and business development.

BPR has been referred to as 'the Wild West' of European chemical regulations, due to its complexity, transitional periods and varied imposition of requirements and enforcement by Member States. Brexit may complicate further BPR compliance for companies that manage biocides in the UK and EU. BPR compliance is often costly as a consequence of consultancy fees and because letters of access for certain substances can cost several hundred thousand euros – and Brexit carries further potential to increase costs of compliance.

The Plant Protection Products (PPP) Regulation raises fewer concerns than REACH and BPR because the PPP Regulation requirements related to representation in the EU are not as strict. Industry has expressed concern regarding the potentially reduced protection the UK may provide to the environment and people from pesticides following Brexit. The Pesticide Action Network (PAN), in particular, has been active in attempting to shape the UK's post-Brexit policy towards pesticides. Some of PAN's suggestions include introducing targets for reducing the overall use of pesticides in agriculture; ensuring authorisations are based on a strict interpretation of the 'precautionary principle'; and introducing a pesticide levy and using funds raised to support farmers in reducing pesticide use. Pesticide companies placing products on UK and EU markets post-Brexit should monitor developments closely to ensure uninterrupted access to markets, and to remain 'ahead of the curve'.

The UK's HSE currently acts as a Member State competent authority under REACH and BPR. In cases where the HSE's evaluations are not completed by the date of the UK's formal departure from the EU and the EEA, tasks will need to be reassigned to other competent authorities or discontinued. It appears foreseeable that the HSE will no longer take on a high volume of new tasks (eg substance evaluations), and will attempt to complete ongoing procedures prior to March 2019.

UK chemical companies will want to maintain access to EU markets, and will therefore be required to meet certain product standards mandated by EU chemical regulations. Even if the UK did not join the EEA or EFTA, companies exporting to the EU would still be required to meet regulatory product and supply chain standards to be able to supply products and services into the EU (eg REACH and CLP). Similarly, UK chemical manufacturers trading internationally would be required post-Brexit to comply with GHS. Numerous companies in the UK's chemicals sector trade internationally – within and beyond the EU. Even if there is a degree of deregulation in the UK post-Brexit, its relevance may be limited as companies will continue to have important business interests in ensuring their products are up to global regulatory standards.

It is important that companies interested in maintaining a presence on the UK chemicals market post-Brexit start

considering the requirements that the UK could potentially impose. It appears likely, but not certain, that a modified version of REACH will apply in the UK post-Brexit. It is expected that the UK's post-Brexit regulatory requirements for biocides and pesticides will also remain similar to the EU's BPR and PPP Regulation. The UK's chemicals industry has expressed interest in more risk-based regulation and maintaining regulatory equivalence; it remains to be seen if these desires are addressed, and to what extent.

The UK's geographical location and trading partners, and typical criticisms of risk-based approaches to chemical regulation require contemplation and discussion by law-makers and politicians. The UK, similar to numerous other jurisdictions, will probably be able to attain a degree of regulatory equivalence with the EU post-Brexit (eg suitability of data). 'Direct mutual acceptance' would require a very high degree of trust to be established between UK and EU negotiators. If such trust were established to the extent that both sides were satisfied that the UK's post-Brexit chemicals agency would uphold similar standards to ECHA, a realisable pathway could exist for seamless chemicals law cooperation between the UK and EU, despite and following Brexit.

While there are many unknowns and it remains to be seen how the regulatory framework for the UK will evolve, in a number of areas it is difficult to envision the UK government taking a radically different policy approach than that of the European Commission. Any significant reduction post-Brexit by the UK in environmental health and safety standards is likely to receive strong criticism from the public and non-governmental organisations. Companies placing chemicals on the EU and UK markets post-Brexit can benefit considerably from appointing suitable entities in both jurisdictions to manage compliance.

Commentary

Brexit has become an increasingly complex, continuously evolving and highly debated process. The implications of Brexit are potentially game-changing, and although a number of uncertainties prevail regarding Brexit, industry must ensure that it follows developments closely and takes proactive measures to maintain continued business success across Europe. It is likely that the remainder of the Brexit process will be controversial, and that public opinion on the UK's important Brexit-related negotiation standpoints will continue to be divided.

For the chemicals sector, the UK's vote to leave the EU and numerous important developments since then amplify the need to consider global compliance very carefully. As the possibility of a hard Brexit has become more relevant, organisations working in the chemicals sphere can benefit from developing comprehensive strategies to support global compliance in a post-Brexit environment. Chemical companies may wish to engage with industry associations to advance their views with the goal of bringing about positive and beneficial change. This may be particularly important for companies working with biocides and pesticides, as the relevant regulatory frameworks sometimes do not attract as much attention as REACH. For European regulatory specialists, business people and lawyers, among others, it is vital that Brexit-related developments are followed more diligently than before. In consideration of the Supreme Court's judgment, MPs' vote, the triggering of Article 50, the result of the UK's 2017 General Election, and the European Union (Withdrawal) Act 2017 it is becoming increasingly apparent that Brexit will probably occur soon, and that its impact on the chemicals industry will be large and long-term.