

PROPOSED REPLACEMENT EU ACT INITIAL ASSESSMENT OF IMPACT

Date: 12/1/2026

DSC REF: DSC/22a/2025

Department: Department of Justice

Proposed Replacement EU Act

[Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations \(EC\) No 1907/2006, \(EC\) No 1272/2008, \(EU\) No 528/2012, \(EU\) 2019/1021 and \(EU\) 2021/697 as regards defence readiness and facilitating defence investments and conditions for defence industry](#)

This Regulation will amend [Regulation \(EC\) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation \(EEC\) No 793/93 and Commission Regulation \(EC\) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC](#)

Windsor Framework Annex 2, Heading 23 on Chemicals and related.

This Regulation will amend [Regulation \(EC\) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation \(EC\) No 1907/2006](#)

Windsor Framework Annex 2, Heading 23 on Chemicals and related.

This Regulation will amend [Regulation \(EU\) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products](#)

Windsor Framework Annex 2, Heading 24 on Pesticides, biocides.

This Regulation will amend [Regulation \(EU\) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants \(recast\)](#)

Windsor Framework Annex 2, Heading 23 on Chemicals and related.

This Regulation will amend [Regulation \(EU\) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation \(EU\) 2018/1092](#)

Not listed in Windsor Framework Annex 2.

Summary of the Act

This proposal, part of the “Defence Readiness Omnibus”, amends five European Union (EU) Regulations. Four of these Regulations are listed in Annex 2 of the Windsor Framework, and the amendments will introduce new and broader defence exemptions in EU chemicals and environmental law.

It amends the following Regulations:

- (i) Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
- (ii) Regulation (EC) No 1272/2008 on classification, labelling and packaging of chemical substances (CLP)
- (iii) Regulation (EU) No 528/2012 on Biocidal Products (BPR)
- (iv) Regulation (EU) 2019/1021 on Persistent Organic Pollutants (POPs)
- (v) Regulation (EU) 2021/697 on the European Defence Fund (EDF).

The amendments to REACH, CLP, BPR and POPs broaden the scope for national defence exemptions for substances, mixtures, and articles in the EU.

Department(s) Responsible

Defence is an excepted matter.

DAERA and DfE share competence for REACH.

DfE and DoJ share competence for CLP. DoJ’s remit only extends to explosives for civil uses.

DfE holds competence for BPR.

DAERA holds competence for POPS.

The Health and Safety Executive (HSE) provides scientific and expert advice to DfE and DoJ on matters relating to CLP under an Agency Agreement.

Initial Assessment of Impact

The defence exemption for CLP, in respect of explosives, is applied by The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern

Ireland) 2015 and is already consistent with the scope of the proposed EU Regulation. No practical implications are anticipated from this change and decisions on exemptions can continue to apply in NI.

As defence is not a devolved matter, the exemptions process is administered by the Ministry of Defence, Defence Equipment and Support (MoD DE&S).

UK Government Explanatory Memorandum

We are aware that a draft EM is currently undergoing legal and Ministerial sign off. We expect it will be shared with the DSC once the necessary approvals are in place.

Analysis by the European Commission on its Impact Assessment

The European Commission conducted a comprehensive stakeholder consultation, which highlighted concerns from industry regarding the existing chemicals legislation and the need for defence and security considerations to be taken into account. No impact assessment was carried out due to the urgency of the proposal.

Departmental Engagement

DoJ has engaged with HSE on this proposal and was consulted on preparation of the UKG Explanatory Memorandum (EM) as it relates to CLP in respect of explosives.