

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

05 September 2023

Dear Huw

The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2023

I wish to inform the Committee of my intention to consent to the UK Government making and laying one Statutory Instrument (SI): The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2023 by 16 October 2023.

I have received a letter on behalf of the Minister of State for Biosecurity, Marine and Rural Affairs, Rt Hon Lord Benyon, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. Therefore, the provisions could be made by Welsh Ministers in exercise of our own powers. The Regulations will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

This SI amends retained Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (recast) (the "POPs Regulation"). The amendment will add perfluorohexane sulfonic acid ("PFHxS"), its salts and PFHxS-related compounds to the list of substances of which the manufacturing, placing on the market and use are prohibited under the POPs Regulation. It also sets limit values for PFHxS, its salts and PFHxS-related compounds occurring as an unintentional trace contaminant in substances, mixtures and articles.

The purpose of the Regulations is to implement international obligations, which are placed on the UK by changes to the Stockholm Convention on POPs coming into force on 16 November.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

This SI is being made under Articles 15(1) and 18(1) of the POPs Regulation and is subject to the affirmative resolution procedure. It is proposed that the SI is made and laid before the UK Parliament on 16 October 2023, aiming for a commencement date of 16 November 2023 in order to meet the UK's international obligations.

The Welsh Government's general principle is the law relating to devolved matters should be made and amended in Wales. On this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as there is no policy divergence between the Welsh and UK Government on this matter. The POPs Regulation, which is being amended, is a GB-wide Regulation, so any amendments to it could not be made in the Welsh language.

Making these amendments through a GB-wide amending SI ensures a coherent and consistent statute book, with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would not be the most appropriate way to give effect to necessary changes nor a prudent use of Welsh Government resources given other important priorities.

Yours sincerely

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in black ink and is positioned above the printed name and title.

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