

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0133/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

7 March 2025

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025 ("the No. 2 Regulations").

The No. 2 Regulations intersect with devolved policy and will apply to Wales. They will be made by the Secretary of State for Environment, Food and Rural Affairs as an appropriate authority under Articles 15(1) and 18(1) of the Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on Persistent Organic Pollutants (recast) ("the POPs Regulations").

The No. 2 Regulations apply in relation to England, Scotland and Wales and pursuant to Article 18(5) are subject to the negative procedure. They are to be laid before Parliament on 11 March 2025.

Article 15(1) provides that an appropriate authority may make regulations and Article 2A(c) of the POPs Regulations provides that the appropriate authority in relation to Wales is either the Welsh Ministers or where the Welsh Ministers consent, the Secretary of State. As such regulations made in reliance of Article 15(1) that apply in relation to Wales may only be made by the Welsh Ministers or by the Secretary of State with the consent of the Welsh Ministers.

The Baroness Hayman of Ullock wrote to me on the 8 January 2025, requesting consent to the 2025 Regulations. A similar request for consent has been sent to Scottish Ministers.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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.

The Persistent Organic Pollutants (Amendment) Regulations 2024

In 2024 the Welsh Ministers consented to the Persistent Organic Pollutants (Amendment) Regulations 2024 ("the 2024 Regulations"). The 2024 Regulations amended Annex 1 of the POPs Regulations to, amongst other things, prohibit the use of Dechlorane Plus and the manufacture, placing on the market, and use of UV-328, providing only very limited exemptions. The 2024 Regulations have not been made (signed) by the Secretary of State, they will be made on 11 March and will come into force 21 days later and immediately before the No. 2 Regulations. Consequently, the title of the 2024 Regulations will be amended to "The Persistent Organic Pollutants (Amendment) Regulations 2025".

The No. 2 Regulations

The 2025 Regulations amend the table in Part A of Annex I to the POPs Regulations by providing limited exemptions for Dechlorane Plus and UV-328.

Dechlorane Plus is used as an additive flame retardant in various products spanning multiple sectors. The No. 2 Regulations provide limited exemptions for the use of Dechlorane Plus in various applications: aerospace, space, defence, medical imaging and radiotherapy devices and installations, until 26 February 2030. They also provide for its use in replacement parts and repair for the above if originally manufactured with Dechlorane Plus - until 2044. Additionally, the use of Dechlorane Plus for replacement part for, and repair of medical devices, in-vitro diagnostic devices where it was used in the original manufacture under the No, 2 Regulations is permitted until the end of the service life of the article.

UV-328 is used as a UV-inhibitor plastics (prevents plastics from degrading over time in sunlight), again spanning multiple sectors of use. These regulations provide limited exemptions for the manufacture, placing on the market, and use of UV-328 in parts of land-based aerospace applications, defence applications, parts for land-based motor vehicles, industrial coating applications, mechanical separators in blood collection tubes, Triacetayl cellulose film in polarizing filters, and photographic paper until 26 February 2030. Exemptions for replacement parts and repair of articles originally manufactured with UV-328 including articles for application for medical purposes, instruments for analysis, measurements, control, monitoring. Testing production and inspections (until no later than 2041), and replacement parts for, and repair of, articles in aerospace and defence applications where originally used in the manufacture - until 2044.

Welsh Government Position

The Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales. In certain circumstances, where there is a clear rationale for doing so, there are benefits working collaboratively with the UK Government.

On this occasion, it is considered appropriate for the substance of the UK Government amendments to apply to Wales, as timely implementation will prevent production and supply disruptions in the Aerospace, Defence, Medical and Automotive Sectors. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes, nor a prudent use of Welsh Government resources.

It is anticipated that the 2025 Regulations will be laid before the UK Parliament on 11 March 2025. It is expected that the 2025 Regulations will come into force 21 days after the day on which they are then made.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

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