



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT

BY

THE WELSH GOVERNMENT

TITLE	The Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025
DATE	28 November 2025
BY	Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by the Minister for Social Security and Disability, Sir Stephen Timms, to make the Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025 ('the Regulations'). The Regulations apply to Wales, England and Scotland.

The Regulations amend article 95(5) of Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ("the Great Britain Biocidal Products Regulation" or "GB BPR"). They extend the date set out in article 95(5) of the GB BPR on which data protection ends for those active substance/product-type combinations listed in Annex 2 to Regulation (EU) No 1062/2014 where no decision has yet been reached. The date is extended for five years from 31 December 2025 to 31 December 2030.

The Regulations also make amendments to paragraphs 3 and 5 of article 95 to update references to Regulation (EC) No 1451/2007 to Regulation (EU) No 1062/2014, which superseded it.

By virtue of article 95(5) of GB BPR, the data protection period for approximately 300 active substance/product type combinations included in the GB Review Programme of existing active substances, but on which an approval decision has not yet been reached, will end on 31 December 2025. This would mean that those active

substances which are yet to be reviewed would receive no data protection after that time.

As a result, active substance manufacturers or those supporting their approval would no longer be able to charge other companies to use their data after 31 December 2025, preventing them from recovering the costs of commissioning the data. Although the consequences of not amending article 95(5) are difficult to predict, there is a significant risk it would lead to companies withdrawing their active substances from the GB market because they are no longer financially viable. This would have knock on impacts on the pest control, transportation and water treatment sectors and could increase public health and safety risks.

Article 60 of GB BPR provides that where data has been protected under GB BPR, once that protection has expired the data cannot be protected again. To avoid data protection ending for active substances in scope, the period in article 95(5) of GB BPR is being extended by five years to 31 December 2030.

In accordance with the GB BPR, the Secretary of State sought Welsh and Scottish Ministers consent to the Regulations.

Although the Welsh Government's general principle is that laws relating to devolved matters should be made in Wales, in this instance it is considered appropriate for the Secretary of State to legislate on a GB-wide basis, given that Welsh Ministers do not have the powers to make the Regulations and a GB-wide approach ensures timely implementation and policy continuity.

The Regulations are subject to the negative procedure and were laid before the UK Parliament on 26 November 2025. There is no policy divergence between the Welsh and UK Government in this matter and the Regulations amend legislation that was not made bilingually. The Regulations neither impact on the legislative competence of the Senedd nor the executive competence of the Welsh Ministers.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

[The Biocidal Products \(Data Protection Periods\) \(Amendment\) Regulations 2025](#)

[The Biocidal Products \(Data Protection Periods\) \(Amendment\) Regulations 2025 - Explanatory Memorandum](#)