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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/3171/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
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2 February 2026

Dear Mike,

The Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026

I wish to inform the Committee of the intention to agree to the Secretary of State making the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026 ("the Regulations"). The Regulations apply to Wales (they also apply to England and Scotland).

The Regulations amend assimilated chemicals legislation, will be laid before the UK Parliament (the intended laying date is 24 February) and are subject to the affirmative procedure. They will be made in exercise of powers in sections 14 and 20 of the Retained EU Law (Revocation and Reform) Act 2023. Section 14(9) of that Act provides that no regulations may be made in exercise of the powers in section 14 after 23 June 2026. A summary of the amendments made by the Regulations is set out below for ease of reference.

A final point of context to assist the Committee is that the Health and Safety Executive ("HSE") deliver many chemical functions on behalf of the Welsh Ministers, Scottish Ministers and Secretary of State.

The Great Britain Biocidal Products Regulation (GB BPR)

GB biocides legislation is based on EU 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 ('EU BPR') and is known commonly as the Great Britain Biocidal Products Regulation ('GB BPR'). GB BPR regulates the placing on the market and use of biocidal products, which are a diverse range of products that control harmful organisms, such as insecticides, rodenticides and disinfectants. It also makes provision for

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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 assessment of active substances that are used in biocidal products, which are the chemicals that have the controlling effect on the harmful organism. The Regulations:

- ensure that a group of up to 173 approved active substance/product type combinations remain on the GB market until 31 July 2031, subject to a renewal of approval application being received, where their approvals would otherwise have lapsed through no fault of the applicants because they had reached their expiry dates (which fall on different dates between 23 June 2026 and 30 July 2031 inclusive). This extension to expiry dates will enable wider reforms to the biocides regime to be developed and undertaken during this period by the HSE, with the aim of changing how approved active substances are managed to avoid the need for further similar extensions in future.
- update provisions which allow essential biocidal products to remain on the GB market where they are necessary to deal with a danger to public health, animal health or the environment which cannot be contained by other means. This will allow for the biocidal product to be kept on the GB market either for up to 550 days (as at present) or until the biocidal product is authorised, in a case where the continued need to use it is unlikely to be temporary.
- amend data protection rules in GB BPR to correct a drafting error originating from EU BPR, so that all approved active substances gain the relevant data protection periods as originally intended.

The societal benefits of maintaining these active substances on the market include preventing the spread of disease (including through international air travel), preventing damage to businesses and homes and averting business disruption and loss of stock.

The Great Britain Classification, Labelling and Packaging Regulation (GB CLP)

GB CLP is based on 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 ('EU CLP') and is known commonly as the Great Britain Classification, Labelling and Packaging Regulation ('GB CLP'). GB CLP aims to ensure the effective identification and communication of chemical hazards and the safe and secure packaging of chemicals in order to protect human health and the environment. It also provides the legislative means through which the UK continues to adopt and give legal effect to the United Nations Globally Harmonized System of classification and labelling of chemicals, an internationally agreed voluntary system of hazard identification and communication.

EU CLP was designed with the needs of the EU and the combined resources of all EU member states in mind. As a result, GB CLP contains some procedures and requirements which HSE's experience of operating the regime has found to be time consuming and costly to comply with. The Regulations:

- simplify and consolidate the existing procedures used to reflect scientific and technical changes to the legally binding 'Mandatory Classification and Labelling List' ('the MCL List') produced by HSE and establishes a faster evaluation pathway to determine the hazards of chemical substances.
- remove the obligation on HSE to automatically consider EU classification and labelling proposals to enable greater flexibility to prioritise hazard classification evaluations that are most relevant to the GB market.
- amend the mechanism by which the Welsh and Scottish Ministers are informed of proposed changes to the GB MCL List to remove duplication.
- remove technical notes pertaining to entries on the MCL List from GB CLP to facilitate the relocation of those notes to HSE's website (where the MCL List itself is located). In conjunction with the amendments to the MCL procedures described above, these changes will enable more efficient delivery of MCL updates to quicker timescales using requirements and processes that are more appropriate for the GB market. This will

reduce uncertainty for chemical suppliers who are legally required to apply those mandatory classifications and labelling elements.

- remove burdensome chemicals notification requirements placed on suppliers to reduce the cost of compliance and facilitate business growth. They also remove associated requirements for HSE to establish and manage a publicly accessible database of the notifications it receives. The requirements are considered unnecessary as the notifications are not used by HSE for the immediate enforcement or delivery of GB CLP. Instead, HSE will achieve the aims of providing oversight of chemicals placed on the GB market and encouraging industry cooperation to agree self-classifications through alternative means already set out in GB CLP. For example, under Article 49 of GB CLP, HSE is able to request from suppliers information they use to classify and label the chemicals they place on the GB market and part 1.1.0 of Annex I to GB CLP encourages suppliers to cooperate to meet requirements.

Greater oversight of the chemical substances supplied in GB is also provided under other regulations governing the supply of chemicals. This includes the assimilated Regulation (EC) No 1907/2006 on The Registration, Evaluation, Authorisation and Restriction of Chemicals (UK REACH) and sector-specific chemicals legislation such as the GB BPR. Therefore, the benefits of the existing notification requirements are outweighed by their impacts on business burden.

The Great Britain Prior Informed Consent Regulation (GB PIC)

GB PIC is based on Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ('EU PIC'), known commonly as the Great Britain Prior Informed Consent Regulation ('GB PIC'). GB PIC requires exporters of certain hazardous chemicals from GB that are specified in the GB PIC list to notify the importing country and for some chemicals the consent of the importing country is required before export can proceed.

It also implements the UK's obligations as a party to the international Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. GB PIC is administered by HSE as the Designated National Authority. The Regulations:

- remove excessive additional conditions that were applicable only to certain chemicals, so that the same conditions apply to all chemicals that require explicit/prior informed consent to import. Additionally, they update references to assimilated EU law so that the references are current.
- remove a redundant and burdensome requirement for exporters in certain cases to obtain a special reference identification number to be included in their export declaration.
- amend some other procedures to reduce administrative burdens on businesses and HSE. The changes are in line with the intentions of the Retained EU Law (Revocation and Reform) Act 2023 to ensure regulators and regulation support growth.

The changes the Regulations make are to provisions of GB PIC that do not directly implement the Convention requirements.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the UK Government to legislate on a GB-wide basis.

Chemicals engage a mix of reserved and devolved matters. Broadly speaking, in Wales, consumer protection, product labelling and import and export control are reserved matters while environmental protection and public health are devolved matters. Chemicals are an area where legislation, policy and delivery have been approached on a GB and UK wide

basis. This approach promotes regulatory certainty for businesses operating across multiple jurisdictions, reduces administrative burdens and ensures effective risk management and high public protection standards. Our shared legislation aligns with international obligations, supports smooth supply chains, and prevents regulatory gaps. This harmonisation facilitates cooperation between regulatory bodies and ensures that Wales remains aligned with best practice in chemical safety and public health protection, ultimately safeguarding the wellbeing of workers and the public, while supporting the competitiveness of Welsh businesses. HSE undertake multiple chemical functions on behalf of Welsh Ministers, Scottish Ministers and Secretary of State through Agency Agreements.

The legislation being amended by the Regulations was not made bilingually (in English and Welsh).

I have written similarly to the Chair of the Chair of the Economy, Trade and Rural Affairs Committee.

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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Gwledig Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs