

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/0029/26

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

11 February 2026

Dear Mike,

The REACH (Amendment) (No 2) Regulations 2026

I wish to inform the Legislation, Justice and Constitution Committee of my intention to consent to the UK Government laying and making the REACH (Amendment) (No 2) Regulations 2026 (“the Regulations”).

The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by Articles 68(1), 73(2) and 132A of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (“UK REACH”). They will apply in relation to England, Scotland and Wales and pursuant to Article 69(1) are subject to the draft affirmative procedure. They are to be laid before Parliament on 24 March 2026 and will come into force in the summer of 2026. The Regulations seek to legislate in an area of Senedd competence.

Article 4A(3) provides that the Secretary of State must seek the consent of the Welsh Ministers where the exercise of the function is within Senedd competence. This includes where the exercise of that function also relates to a part of Great Britain other than Wales i.e. it applies when the exercise of the function relates to Wales and other parts of Great Britain.

Pursuant to the powers within UK REACH, in particular Articles 68 and 73, while the consent of the Welsh Ministers is required to make legislation that applies in relation to Wales the Welsh Ministers themselves do not have a regulation-making power. Therefore, these regulations could not be made by the Welsh Ministers.

Baroness Hayman of Ullock wrote to me on the 17 December 2025, requesting the Welsh Ministers’ consent to the 2026 Regulations. A similar request for consent has been sent to Scottish Ministers. I plan to provide my formal consent to Baroness Hayman of Ullock by 13 February 2026, unless the committee raises any concerns before that date.

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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.

Summary of the 2026 Regulations

Under UK REACH (applies to England, Scotland and Wales (GB), with Northern Ireland continuing to be covered by EU REACH), businesses are required to register with the UK REACH Agency (the Health and Safety Executive, HSE) information on chemical substances that are placed on the GB market. When the UK left the EU, information on substances on the GB market which had been registered with EU REACH was not passed on to the HSE. The substances in question have remained on the GB market, but this information still needs to be registered with UK REACH. Defra is developing the UK REACH Alternative Transitional Registration model (ATRm) for this purpose.

Given ongoing considerations, it is no longer possible for Defra to deliver the legislative changes to implement the ATRm before the current first registration deadline in October 2026, together with a suitable transition period. It was therefore necessary for Defra to consult on revised transitional registration deadlines, which provide sufficient time for the government to complete the ATRm and for industry to prepare to comply.

The public consultation on extending the registration deadlines took place between 14 July 2025 and 8 September 2025. The proposed options for transitional registration deadline dates considered by Defra, phased according to the tonnage of chemical substance placed on the market by a business and its hazard profile were:

- **Baseline** - Do Nothing: do not change the current submission deadlines of 27 October 2026, 27 October 2028, and 27 October 2030
- **Option 1: October 2029, October 2030, October 2031 [Defra preferred option]**
- **Option 2:** April 2029, April 2031, April 2033
- **Option 3:** April 2029, April 2030, April 2031

Defra has decided to take forward its preferred Option 1, stating that it has noted the strong stakeholder support for Option 2, reflecting industry's desire for more time to prepare, spread costs, and adjust to the ATRm. However, having considered all the consultation feedback, Defra continues to regard Option 1 as the most proportionate way forward. This approach ensures that the HSE receives timely and meaningful information to support its role in protecting public health and the environment.

Welsh Government officials agree with Defra's assessment. From a policy perspective, they consider it important that the ATRm is operational as early as possible, supported by deadlines that reflect both the readiness of the new registration system and the capacity of industry to provide high-quality information. Option 1 provides the best route to achieving this: it creates enough time for the ATRm to be fully established, avoids unnecessary delays in generating safety data, and supports earlier transfer of information into the new framework.

Welsh Government Position

The Welsh Government's general principle is that subordinate legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence.

On this occasion, I consider it appropriate for the UK Government's amendments to apply to Wales, as the Welsh Ministers do not have the necessary powers to amend Annex XVII of UK REACH. In addition, timely implementation will ensure compliance with our environmental and public health commitments and maintain regulatory consistency across the UK.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and lines, positioned below the closing text.

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