

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

Huw.Irranca-Davies@senedd.wales

6 October 2022

Dear Huw,

I am writing to inform the Committee of the intention to consent to the UK Government making and laying The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 by 19 October 2022.

I have received a letter from Victoria Prentis MP, Minister for State for Farming, Fisheries and Food asking for consent to these Regulations. The Regulations will be made by the Secretary of State, in exercise of the powers conferred by the European Union (Withdrawal) Act 2018. Some of the provisions in the Regulations intersect with devolved policy and will apply to Wales. The provisions could have been made by Welsh Ministers in exercise of our powers conferred by the European Union (Withdrawal) Act 2018. The Regulations will extend to England, Scotland, Northern Ireland and Wales and a similar request for consent has been sent to Scottish Ministers.

The Statutory Instrument (SI) amends the retained Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants ("the retained POPs Regulations"). It makes minor technical corrections replacing two European Commission functions in Annex I of the retained POPs Regulations with functions on the appropriate authority in line with corrections previously made elsewhere in the Annex. The amendments also reinstate a derogation omitted in error. The SI also makes a correction to the regulation in the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 where provisions have no legal effect in relation to the retained POPs regulation for perfluorooctane sulfonic acid (PFOS).

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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 SI is subject to the affirmative procedure and is due to be laid before Parliament on 19 October 2022.

The Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales. However, 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 in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. 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 given other important priorities.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

**Lesley Griffiths AS/MS**  
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