

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

SeneddLJC@senedd.wales

28 June 2023

Dear Huw

The Persistent Organic Pollutants (Amendment) Regulations 2023

I wish to inform the Committee of my intention to consent to the UK Government making and laying one Statutory Instrument (SI): The Persistent Organic Pollutants (Amendment) Regulations 2023 by 29 June 2023.

I have received a letter from the Minister of State for Biosecurity, Marine and Rural Affairs, Rt Hon Lord Benyon, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. Therefore, the provisions could be made by Welsh Ministers in exercise of our own powers. The Regulations will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

This SI amends retained Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (recast) (the "POPs Regulation"). The amendment will extend the expiry date of a derogation for the manufacturing, placing on the market and use of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds for textiles for oil and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety. The expiry date will be extended from 4 July 2023 to 3 December 2025.

The purpose of the Regulations is to allow for specific exemption to be applied for protective equipment used by UK Armed Forces personnel. The exemption will not apply to products or equipment used by non-military manufacturers or users. This is because a restriction on the use of PFOA for non-military purposes is contained in the UK REACH Regulation.

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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.

This SI is being made under articles 2A, 15(1) and 18(1) of the POPs Regulation and is subject to the negative resolution procedure. It is proposed that the SI is made and laid before the UK Parliament on 29 June 2023, with a commencement date of 4 July 2023.

The Welsh Government's general principle is the law relating to devolved matters should be made and amended in Wales. 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 on this matter. The POPs Regulation, which is being amended, is a GB-wide Regulation, so any amendments to it could not be made in the Welsh language.

Making these amendments through a GB-wide amending SI ensures a coherent and consistent statute book, with the regulations being accessible in a single instrument. It also ensures there will be no risk of legislative divergence in relation to the use of protective equipment by defence personnel. I consider that legislating separately for Wales would not be the most appropriate way to give effect to necessary changes nor a prudent use of Welsh Government resources given other important priorities.

Yours sincerely,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

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