

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/1083/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

14 May 2025

Dear Mike,

I wish to inform the Legislation, Justice and Constitution Committee of my intention to consent to the UK Government making and laying the Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025 ("the No. 3 Regulations").

The No. 3 Regulations intersect with devolved policy and will apply in relation to Wales. They will be made by the Secretary of State for Environment, Food and Rural Affairs as an appropriate authority under Articles 15(1) of the Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on Persistent Organic Pollutants (recast) ("the POPs Regulations").

The No. 3 Regulations apply in relation to England, Scotland and Wales and pursuant to Article 18(5) are subject to the negative procedure. They are to be laid before Parliament on 20 May 2025 and will come into force on 21 May 2025.

Article 15(1) provides that an appropriate authority may make regulations and Article 2A(c) of the POPs Regulations provides that the appropriate authority in relation to Wales is either the Welsh Ministers or where the Welsh Ministers consent is given, the Secretary of State. As such, regulations made in reliance of Article 15(1) that apply in relation to Wales may only be made by the Welsh Ministers or by the Secretary of State with the consent of the Welsh Ministers.

As highlighted within my letter to the committee of 30 April, the Baroness Hayman of Ullock wrote to me on the 8 April 2025, requesting consent to the Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025. A similar request for consent has been sent to Scottish Ministers. I plan to provide my formal consent to Baroness Hayman of Ullock on 16 May 2025, unless the committee raises any concerns before that date. I apologise for the short notice period provided and hope you understand the urgency required of this legislative action, as outlined in the paragraphs below.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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 Persistent Organic Pollutants (Amendment) Regulations 2024 / 2025

In 2024 the Welsh Ministers consented to the Persistent Organic Pollutants (Amendment) Regulations 2024 (“the Amending Regulations”). These Regulations amended Annex 1 (Substances listed in the Convention and in the Protocol as well as substances listed only in the Convention) (“Annex 1”) of the POPs Regulations. They provide for, amongst other things, the prohibition of the use of Dechlorane Plus and the manufacture, placing on the market and use of UV-328 with only very limited exemptions.

Dechlorane Plus, an additive flame retardant, is exempted for use in aerospace, space, defence, medical imaging, and radiotherapy devices until 26 February 2030. It can also be used in replacement parts and repairs for these applications until 2044 if originally manufactured with Dechlorane Plus. Additionally, its use in replacement parts and repairs of medical devices and in-vitro diagnostic devices is allowed until the end of their service life.

UV-328, a UV-inhibitor in plastics, is exempted for manufacture, market placement, and use in various applications, including aerospace, defence, motor vehicles, industrial coatings, and medical devices, until 26 February 2030. Exemptions for replacement parts and repairs of articles originally manufactured with UV-328 extend until 2041 for medical and analytical instruments, and until 2044 for aerospace and defence applications.

You will be aware that the Secretary of State did not make the Amending Regulations until 2025 (and the title was amended to reflect this). I have written to you separately on this matter.

Persistent Organic Pollutants (Amendment) (No.2) Regulations 2025 (“the 2 Regulations”)

In 2025 the Welsh Ministers consented to the Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025 (“the No. 2 Regulations”). These Regulations further amend Annex I to the POPs Regulations to provide additional limited exemptions for Dechlorane Plus and UV-328.

Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025

The Persistent Organic Pollutants (Amendment) (No. 3) Regulations 2025 (“the No. 3 Regulations”) seek to again amend the table Annex I to the POPs Regulations by way of removing entries for Dechlorane Plus and UV-328. The effect of the No. 3 Regulations is to remove any prohibitions in relation to Dechlorane Plus and UV-328.

This expedited legislative action is necessary in response to new and urgent information from the medical technology sector on unforeseen impacts arising from these prohibitions. This information has shown that there are a range of medical products at risk. These include joint replacements (e.g. hips, knees etc.), infusion pumps, electrocardiogram machines and diagnostic machines, including those used in cancer diagnosis for both children and adults.

The picture is still unfolding, and further medical products, applications, procedures and other sectors may be affected. Welsh Government officials are working with counterparts in the UK Government and Department for Health and Social Care (DHSC) to determine the extent of the current uses of UV-328 and Dechlorane Plus in medical applications and other sectors. The DHSC are liaising with the MedTech sector and trade bodies to capture as much information and evidence as possible.

Given this is an emerging picture and we need to ensure that vital healthcare and medical applications are protected I propose to consent to No. 3 Regulations which provides for the removal of all prohibitions for Dechlorane Plus and UV-328. The UK-Government have advised that they intend to reintroduce the prohibitions in the short to medium term and that they remain committed to the Stockholm Convention on Persistent Organic Pollutants.

Prohibiting the use of these chemical substances is good for both public health and safeguarding the environment. Our future approach to these substances will also be informed by the outcome of the Conference of Parties (COP) in April/May 2025.

This is not a decision I take lightly however my primary concern is to ensure that the people of Wales do not experience disruption to vital medical provision in Wales.

The Welsh Government's Position

The Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales. In certain circumstances, where there is a clear rationale for doing so, there are benefits working collaboratively with the UK Government.

On this occasion, I consider it appropriate for the substance of the UK Government amendments to apply to Wales, as timely implementation will prevent production and supply disruptions to the medical sector, including NHS Wales. 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.

It is anticipated that the No. 3 Regulations will be laid before the UK Parliament on 20 May 2025 and they will come into force on 21 May 2025 (the day after they are made).

Yours sincerely,



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