

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/1447/25

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

11 November 2025

Dear Mike,

I wish to inform the Committee of the intention to consent to the Secretary of State making and laying the Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025 (“the Regulations”). The Regulations will be made using powers in articles 83A(2) and 89(2)(b) of Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (“the Great Britain Biocidal Products Regulation” or “GB BPR”).

The Regulations amend the date set out in article 95(5) of GB BPR on which regulatory data protection for active substances (those substances which produce the biocidal activity of a product) ends, from 31 December 2025 to 31 December 2030. It also makes amendments to update references to Regulation (EC) No 1451/2007 in article 95(3) and (5) of GB BPR to Regulation (EU) No 1062/2014 which superseded it.

By virtue of article 95(5) of GB BPR, the data protection period for approximately 300 active substance/product type combinations included in the GB Review Programme of existing active substances, but on which an approval decision has not yet been reached, will end on 31 December 2025. This would mean that those active substances which are yet to be reviewed would receive no data protection after that time.

As a result, active substance manufacturers or those supporting their approval would no longer be able to charge other companies to use their data after 31 December 2025, preventing them from recovering any of the costs of commissioning the data. Although the consequences of not amending article 95(5) are difficult to predict, there is a significant risk it would lead to companies withdrawing their active substances from the GB market because they are no longer financially viable. This would have knock on impacts on the pest control, transportation and water treatment sectors and could increase public health and safety risks.

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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.

Article 60 of GB BPR provides that where data has been protected under GB BPR, once that protection has expired the data cannot be protected again. To avoid data protection ending for active substances in scope, the period in article 95(5) of GB BPR is being extended by five years to 31 December 2030.

In accordance with articles 83B and 89(4) of GB BPR, the Secretary of State has approached the Welsh and Scottish Ministers for consent to the Regulations.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made in Wales, on this occasion, it is considered appropriate for the Secretary of State to legislate on a GB-wide basis, as Welsh Ministers do not have the powers and a GB-wide approach ensures timely implementation and policy continuity.

There is no policy divergence between the Welsh and UK Government in this matter, and the Regulations amend legislation that was not made bilingually.

The Regulations will be laid before the UK Parliament on 26 November.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca Davies', written in a cursive style.

Huw Irranca Davies AS/MS

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