



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Persistent Organic Pollutants (Amendment) Regulations
2024**

DATE **9 October 2024**

BY **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**

Members of the Senedd will wish to be aware we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Lord Douglas-Miller, the then Minister for Biosecurity, Animal Health and Welfare to make a Statutory Instrument titled The Persistent Organic Pollutants (Amendment) Regulations 2024 (“the 2024 Regulations”) apply in relation to Wales in exercise of powers conferred by the Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (recast) (“the POPs Regulations”).

The 2024 Regulations were laid before Parliament on 8 October by the Secretary of State in exercise of powers conferred by Articles 7(6), 15(1) and (2), and 18(1) of the POPs Regulations.

The 2024 Regulations amend Annexes I, IV and V of the POPs Regulations. Amendments are required to Annex 1 in regard to entries for Hexachlorobenzene, Pentachlorophenol and Perfluorooctanoic acid to ensure that the UK continues to meet its legal obligations as signatories to the Stockholm Convention on Persistent Organic Pollutants. Annexes IV and V are amended to reflect scientific and technical progress

Annex IV is amended and new substances added to the list of those subject to waste management provisions. Article 7 of the POPs Regulations provides that “*Producers and holders of waste shall undertake all reasonable efforts to avoid, where feasible, contamination of this waste with substances listed in Annex IV*”. Regulation 7 of the Persistent Organic

Waste Regulations 2007 provides it is an offence for a person to contravene Article 7. Adding substances to the list in Annex IV widens the scope of that offence.

Article 7(4)(b) of the POPs Regulations provides that in exceptional cases the competent authority may allow wastes listed in Part 2 of Annex V to contain or be contaminated by a substance listed in Annex IV up to concentration limits specified in Part 2 of Annex V. The 2024 Regulations amend Annex V to reduce the maximum concentration limits for Pentachlorophenol, its salts, and its esters, Dicofol, Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds. The 2024 Regulations further amends the table at Part 2 of Annex V to include the following waste from thermal processes: fly ash from peat and untreated wood and soil and stones (other than those containing hazardous substances).

The Welsh Government's general principle is 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. I consider 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.

The 2024 Regulations were laid before Parliament on 8 October and will come into force 21 days after the day on which they are then made.