

Net Zero, Energy and Transport Committee
Tuesday 18 February 2025
6th Meeting, 2025 (Session 6)

UK subordinate legislation: consideration of consent notification

Introduction

1. This paper supports the Committee’s consideration of a ‘type 1’ consent notification sent by the Scottish Government relating to the following proposed UK statutory instrument (SI):
 - Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025
2. The process for how the Scottish Parliament considers consent notifications is set out in the [SI Protocol](#). See **Annexe A** for further details.

The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025

3. On 22 January, the Cabinet Secretary for Net Zero and Energy wrote to the Committee to give notice that the Scottish Government proposed to consent to this SI. Her letter is in **Annexe B** and the formal SI notification is in **Annexe C**. She explained in her letter that the UK Government would lay the SI on 3 March with a coming into force date of 3 weeks later. The Committee has been asked to respond before **28 February**.
4. The UK Persistent Organic Pollutants (“POPs”) Regulation implements the requirements of the Stockholm Convention on Persistent Organic Pollutants (“the Convention”), to which the UK is a signatory. The Convention requires signatories to eliminate, restrict or limit POPs. POPs are described in the notification as “chemicals that have been internationally recognised as toxic, persistent, bio-accumulative and able to contaminate environments far from their site of release because of their ability to travel long distances in the environment”.
5. A change to the Convention was notified to the UK Government on 26 February 2024. The UK Government then had 12 months to implement these changes. A previous draft set of POPs regulations to implement these was considered by the Committee in June 2024 and subsequently approved at Westminster in December 2024. However, those Regulations have not yet been made by the Secretary of State “due to ongoing engagement with stakeholders concerned with the SI’s application in their industries”. This engagement has identified that a number of exemptions are required (see below). This has led to a delay. The expected laying date of 3 March (and coming into force day of 3 weeks later) means that the UK will not have implemented the changes within the 12-month deadline so will be out of compliance with the Convention from 26 February 2025. The notification explains that in line with the process allowed for in the

Convention the UK must formally “opt out” where this is the case then notify the Convention when this is no longer needed.

6. The current proposal will make amendments to the POPs Regulations to do three things:
 - adjust the new listing of Dechlorane Plus to include more of the exemptions allowed for under the Convention;
 - adjust the new listing of UV-328 to include more of the exemptions allowed for under the Convention;
 - adjust the new listing of UV-328 to include further exemptions not currently allowed for under the Convention but due to be considered for inclusion in April 2025.
7. The previous POPs regulation the Committee considered added Dechlorane Plus and UV-328 to the list of POPs to be eliminated, in compliance with the change to the Convention. As the notification explains, when a POP is added to the list of those to be eliminated, a list of possible exemptions is also produced. When signatories to the Convention update their implementing legislation, they must notify the Convention of which exemptions they intend to make use of and how long for.
8. Dechlorane Plus was used as an additive flame retardant in various products across multiple sectors. The notification explains that companies in the UK notified the government that they need to continue to use this “in the aerospace, space and defence, medical, and several other sectors including land-based vehicles, stationary industrial machinery, outdoor power equipment, and instrumentation”. Exemptions for these uses were available under the Convention so all that is required is to notify the Convention that the UK intends to use this exemption, setting out how long it is intended to be used for. The limit being set on the use of this is by the end of the service life of the article or 2044, whichever is earlier.
9. POP UV-328 was used as a UV-inhibitor in plastics in many sectors. The notification sets out that companies in the UK notified the government that they need to continue to use this substance “in the medical and several industry sectors including stationary industrial machinery and display equipment”. Again, these exemptions are already available under the Convention. In this case the limit set on the exemption is 26 February 2030, 2044, or the end of the service life of the article, depending on the specific use.
10. A new exemption has also been identified for POP UV-328 that had not been listed as a potential exemption in the Convention. The aerospace and defence industries brought evidence to the UK Government and other signatories that they need to use POP UV-328 for aerospace and defence applications. The notification states that “The industries had hoped to have an alternative in place for this POP, but substitution efforts have been delayed”. An exemption will be set out in this SI so UV-328 can be used until 26 February 2030 in civilian and military aircraft, and in replacement parts for these uses until the earlier of the end of the article’s service life or 2044. The notification states that: “It is hoped

that the Convention will adopt this additional exemption at its April 2025 Conference of the Parties”. Until such time as this additional exemption is agreed at Convention level, the UK will not be in compliance with the Convention on this POP. The notification suggests that adoption of this exemption is expected but does not set out what the UK Government’s position would be if it is not.

11. The key powers being used here to legislate in devolved areas can be used by UK Ministers only if the Scottish Ministers consent. These powers are available to either the UK Ministers or Scottish Ministers (known as “concurrent”). The notification sets out that the Scottish Government considers that a UK SI, rather than separate Scottish provision, is “the most effective and transparent way to make these amendments, as it has been agreed that the UK POPs Regulation will operate consistently across GB in line with the common frameworks approach”.

Next steps

12. If the Committee wishes to approve the proposal to consent to the SI, it may, in doing so, set out in its letter to the Scottish Government any observations or concerns that it thinks are relevant.
13. If the Committee is not content with the proposal, it should include in its letter to the Scottish Government one of the following recommendations:
 - That the Scottish Government should not consent to the provision being made in a UK SI and that the Scottish Government should instead take forward an alternative Scottish legislative solution; or
 - That the provision should not be made at all (that is, that the Scottish Government should not consent to the provision being included in a UK SI, nor should the Scottish Government take forward an alternative Scottish legislative solution).

Clerks to the Committee
February 2025

Annexe A: Process for parliamentary scrutiny of consent notifications in relation to UK statutory instruments

1. The Protocol provides for the Scottish Parliament to scrutinise the Scottish Government's decisions to consent to certain subordinate legislation made by the UK Government: specifically, UK Government subordinate legislation on matters within devolved competence in areas formerly governed by EU law. It sets out a proportionate scrutiny approach and categorises SI notifications as 'type 1' or 'type 2'.
2. Type 2 applies where all aspects of the proposed instrument are clearly technical (e.g., they merely update references in legislation that are no longer appropriate following EU exit) or do not involve a policy decision. These are notified retrospectively, after the Scottish Government has given its consent.
3. All other proposals are type 1. In this case, the Scottish Parliament's agreement is sought before the Scottish Government gives consent to the UK Government making subordinate legislation in this way. Each type 1 notification must be considered by the relevant Committee.
4. **The Committee's role in relation to type 1 notifications is to decide whether it agrees with the Scottish Government's proposal to consent to the UK Government making Regulations within devolved competence, in the manner that the UK Government has indicated to the Scottish Government.**
5. If Members are content for consent to be given, the Committee will write to the Scottish Government accordingly. The Committee may also wish to note any issues in its response or request that it be kept up to date on any relevant developments.
6. If the Committee is not content with the proposal, however, it may recommend that the Scottish Government should not give its consent. In that event, the Scottish Ministers have 14 days under the Protocol to respond to the Committee's recommendation. They could—
 - Agree. If so, the Scottish Ministers would then withhold their consent.
 - Not agree. If so, the Parliament will debate the issue.
7. If the Parliament agrees to the Committee's recommendation that the Scottish Ministers should not consent, the Protocol provides that the Scottish Ministers should "normally not consent" to the UK SI. However, the Protocol also provides that if the Scottish Ministers consider that the Committee's proposed alternative cannot be achieved, they may consent to the UK SI. If so, they must explain why they are doing so to the Scottish Parliament.

Annexe B: Correspondence from the Cabinet Secretary for Net Zero and Energy – 22 January 2025

THE PERSISTENT ORGANIC POLLUTANTS (AMENDMENT) (No. 2) REGULATIONS 2025 - (Defra/ENV/342) EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and then Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the negative procedure SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

The purpose of this instrument is to amend Regulation (EU) 2019/1021 of the European Parliament and of the Council concerning the Persistent Organic Pollutants (POPs) (“the UK POPs regulation” which is now assimilated law) to update changes that a previous SI (ENV/274), that Scottish ministers consented to with the Committee’s agreement last year, made in accordance with changes to the Stockholm Convention on Persistent Organic Pollutants which were adopted by the Conference of the Parties to the Convention in May 2023. The instrument adds additional sector-specific use exemptions that are required in Great Britain to the listings of two new POPs. These new POPs are set out in Annex A to the Convention, which prohibits the manufacture, use and placing on the market of articles and substances containing POPs. The need for these additional exemptions in GB only became apparent after the previous SI (ENV/274) was laid on 8 October 2024. The additional exemptions concern a number of industrial sectors, and not including them in the UK POPs Regulation for these two POPs will cause significant socioeconomic impacts in GB including in Scotland.

Defra intend to lay this SI on 3 March 2025 with a coming into force date of three weeks later.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you before 28 February 2025.

Annexe C: Notification to the Scottish Parliament

Name of the SI(s)

The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025 (ENV/342)

Is the notification Type 1 or Type 2

Type 1

Brief overview of the SI (including reserved provision)

The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025 (“the 2025 (No. 2) Regulations”) amend assimilated Regulation (EU) 2019/1021 of the European Parliament and of the Council concerning Persistent Organic Pollutants (POPs) (“the UK POPs Regulation”) by adding various necessary exemptions for the listing of two new POPs. Similar changes are being progressed in the EU’s equivalent legislation.

The UK POPs Regulation implements the requirements of the Stockholm Convention on Persistent Organic Pollutants, to which the UK is a signatory. Listing of a POP is mandated at Convention level and means that the POP’s manufacture, supply and use must cease unless specific time-limited exemptions, agreed at Convention level, are included for necessary uses. Exemptions are only included where it is demonstrated that no suitable alternatives yet exist for a use that, if curtailed, would cause serious socio-economic impacts.

The necessary exemptions in the 2025 (No. 2) Regulations primarily concern uses in the aerospace, automotive, defence, and medical sectors, but also other industrial and technical applications. The addition of these exemptions in effect updates entries included in a previous draft SI, the Persistent Organic Pollutants (Amendment) Regulations 2024 that Scottish Ministers, with the agreement of Scottish Parliament, consented to in June 2024. Those draft Regulations contained amendments to Annex I (*Substances listed in the Convention and in the Protocol as well as substances listed only in the Convention*) to list three new POPs in the UK POPs Regulation. The Convenor of the Net Zero, Energy and Transport Committee wrote to the Cabinet Secretary on 10 July 2024 confirming that the Committee was content for the Scottish Government to give consent to Scottish devolved matters being included in those draft Regulations. The Persistent Organic Pollutants (Amendment) Regulations 2024 were then laid before the UK Parliament on 8 October with the procedure concluding in the House of Commons and House of Lords on 4 December 2024 and the draft Regulations being approved. However those Regulations have not yet been made by the Secretary of State due to ongoing engagement with stakeholders concerned with the SI’s application in their industries. Following that engagement with stakeholders, the UK Government intends to make the 2025 (No. 2) Regulations and then lay them

in the UK Parliament on 3 March 2025 and they will be subject to the negative procedure.

At the same time as making the 2025 (No. 2) Regulations, the UK Government will also make the previously approved draft Persistent Organic Pollutants (Amendment) Regulations 2024 – those Regulations will then become the Persistent Organic Pollutants (Amendment) Regulations 2025 and they will enter into force 21 days after they were made. Those Regulations are referred to in the remainder of this notification as the 2025 (No. 1) Regulations. The 2025 (No. 2) Regulations will enter into force immediately after the 2025 (No. 1) Regulations enter into force (on 24 March 2025) in order to effect the further amendments to Annex I of the UK POPs Regulation.

Details of the provisions that Scottish Ministers are being asked to consent to.

Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (“the EU POPs Regulation”) is the legislation through which the EU and its member states, including the UK while it was a member state, implemented the provisions of the Stockholm Convention on Persistent Organic Pollutants (POPs). The Convention requires signatories to eliminate, restrict or limit POPs (chemicals that have been internationally recognised as toxic, persistent, bio-accumulative and able to contaminate environments far from their site of release because of their ability to travel long distances in the environment). On IP completion day, the EU POPs Regulation was converted into retained EU law and became the UK POPs Regulation, and is now assimilated law.

The 2025 (No. 2) Regulations are made under articles 15(1) and 18(1) of the UK POPs Regulation. They amend the UK POPs Regulation to add necessary exemptions, as agreed and adopted by the Conference of Parties to the Stockholm Convention at its eleventh meeting in May 2023, at which the POPs Dechlorane Plus and UV-328 were listed in Annex A to the Convention. The 2025 (No. 1) Regulations did not include these exemptions for these two new POPs, but new information has come to light since the 2025 (No. 1) Regulations were laid in the UK Parliament showing that the exemptions are in fact needed in GB.

The process of agreeing a new POP at Convention level includes an investigation of what uses may be considered essential and for which no suitable alternative chemicals to the prospective POP are available. At the point that the new POP is added to Annex A of the Convention (which requires signatories to eliminate the POP from use), a list of possible exemptions for the POP is also produced. When updating their Convention-implementing legislation, signatories must notify the Convention of which exemptions they intend to make use of because they are required in their country/region, and by when the POP’s use will cease.

The 2025 (No. 1) Regulations add the two new POPs Dechlorane Plus and UV-328 to Annex I of the UK POPs Regulation (that reproduces Annex A to the Convention - POPs that are prohibited from being manufactured, placed on the market, and used, unless there is a relevant exemption). The 2025 (No. 1)

Regulations also make changes to waste management requirements for POPs but these changes are not relevant to the 2025 (No. 2) Regulations, which only deal with exemptions for uses of the two POPs Dechlorane Plus and UV-328.

The new POP Dechlorane Plus was used as an additive flame retardant in various products spanning multiple sectors. The 2025 (No. 1) Regulations include one exemption for this POP: placing on the market and use “for replacement parts for, and repair of, land-based motor vehicles where Dechlorane Plus was originally used in the manufacture of the part being replaced or repaired until the earlier of— (i) the end of the service life of the vehicle, and (ii) 2044.” After the 2025 (No. 1) Regulations were laid in the UK Parliament, companies that operate in GB notified the UK Government that they need to continue to use this substance in the aerospace, space and defence, medical, and several other sectors including land-based vehicles, stationary industrial machinery, outdoor power equipment, and instrumentation. Exemptions for all of these uses are available within the Convention entry for this POP. The substance is needed for the manufacture and use of replacement parts (where original parts also relied on Dechlorane Plus). The 2025 (No. 2) Regulations state that the use of these exemptions must cease by the end of the service life of the article or 2044, whichever is earlier, depending on the specific use.

The new POP UV-328 was used as a UV-inhibitor in plastics (prevents plastics from degrading over time in sunlight), again spanning multiple sectors of use. The 2025 (No. 1) Regulations include some exemptions for this POP: manufacturing, placing on the market and use for the following purposes— (a) mechanical separators in blood collection tubes, until 26 February 2030; (b) replacement parts for land-based motor vehicles where UV-328 was used in the manufacture of the part being replaced, until the earlier of— (i) the end of the service life of the vehicle, and (ii) 2044.” After the 2025 (No. 1) Regulations were laid in the UK Parliament, companies that operate in GB notified the UK Government that they need to continue to use this substance in the medical and several industry sectors including stationary industrial machinery and display equipment. These additional exemptions are all available within the Convention entry for this POP. The substance is needed for the manufacture and use of replacement parts (where original parts also relied on UV-328). The 2025 (No. 2) Regulations apply the exemption until 26 February 2030, 2044, or the end of the service life of the article, depending on the specific use.

In addition, the 2025 (No. 2) Regulations include an exemption that is not included in the Convention entry for the POP UV-328. The aerospace and defence industries approached UK Government and other Convention signatories sharing evidence of their continued need to use the substance in aerospace and defence applications. The industries had hoped to have an alternative in place for this POP, but substitution efforts have been delayed. The exemption here means that UV-328 can be used until 26 February 2030 in civilian and military aircraft, and in replacement parts for these uses until the earlier of the end of the article’s service life or 2044. This is the first time that a required exemption has been identified after a POP has been listed in the Convention.

To implement these changes, the 2025 (No. 2) Regulations will amend column 4 of Annex I of the UK POPs Regulation (*Specific exemption on intermediate use or other specification*) in relation to the entries for the two POPs Dechlorane Plus and UV-328 that are already included in the 2025 (No. 1) Regulations.

The Convention sets a deadline by which signatories must have added the three new POPs to their national legislation. This is 26 February 2025. As the UK Government now propose that the 2025 (No. 1) Regulations will be signed at the same time as the 2025 (No. 2) Regulations, both sets of Regulations will enter into force three weeks after the laying date of 3 March 2025 i.e. on 24 March 2025. This means the UK will be non-compliant with the Convention for a short period of time for the prohibition on the three new POPs that the 2025 (No. 1) Regulations introduce to the UK POPs Regulation. The UK must formally “opt out” where this is the case for POPs listings under Convention rules; the UK Government notify the Convention, and do so again when this opt out is no longer needed and entries for affected POPs align with Convention requirements (with the exemptions listed as summarised above). This opt out will be relatively short for the new POPs where the delay in the 2025 (No. 1) Regulations is the only factor (that is, for Dechlorane Plus and the other POP called Methoxychlor that the 2025 (No. 1) Regulations introduces and that is not part of the 2025 (No. 2) Regulations). For the POP UV-328, the additional exemption that is not listed under the Convention means this opt out will be longer. It is hoped that the Convention will adopt this additional exemption at its April 2025 Conference of the Parties. Assuming this exemption is agreed at Convention level, the UK would also be in compliance with the Convention for this third new POP, although a further SI may be required to amend the wording of this exemption so that it correctly reflects the Convention level exemption text that we expect to be agreed.

The need for continuing exemptions for POPs in the UK POPs Regulation remains under review. As industries transition away from POPs where an exemption applies, the UK POPs Regulation will be amended accordingly.

Amendments were previously made to the UK POPs Regulation, including Annex I, by the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (“the 2020 Regulations”) to ensure that it functioned in the UK on IP completion day. The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 made further amendments to Annex I of the UK POPs regulation to address outstanding deficiencies and correct previous amendments made by the 2020 Regulations. Furthermore, the Persistent Organic Pollutants (Amendment) Regulations 2023 and the Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2023 amended Annex I to extend the exemption for perfluorooctanoic acid (PFOA) and its derivatives, and to include the Convention Annex A listing of perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds in Annex I, respectively.

Chemicals policy, including in relation to POPs, engages a complex mixture of reserved and devolved competence. Environmental protection, waste management and public health are devolved while product safety, animal testing as well as health and safety at work are reserved.

Summary of the proposals

The 2025 (No. 2) Regulations will introduce specific exemptions to the prohibition on the manufacturing, placing on the market and use of two new POPs. These two new POPs were due to be introduced to the UK POPs Regulation, that implements the Stockholm Convention on POPs in the UK, along with one other new POP last year by the 2025 (No. 1) Regulations. These 2025 (No. 1) Regulations were delayed when it became clear that further exemptions, as now being introduced by the 2025 (No. 2) Regulations, were required. All of these exemptions bar one are agreed at Convention level which means they are available to Convention signatories that need them, so long as signatories notify the Convention of their intention to use the exemptions in their country or region. Because of the delay to the signing of the 2025 (No. 1) Regulations, the UK will miss the Convention deadline of 26 February 2025 for listing the three new POPs, but this non-compliance will only be temporary for these three new POPs.

The one exemption that has not been agreed at Convention level concerns the use of one of the new POPs (UV-328) in the aerospace and defence sectors. Including this exemption in the UK POPs Regulation will require the UK to opt out of the Convention listing for this new POP for longer than the other two new POPs. It is hoped that the Convention will adopt this additional exemption at its April 2025 meeting. Assuming this exemption is agreed at Convention level, the UK would again be in compliance with the Convention for this new POP (although a further amendment to adjust exemption wording could be required).

EU Alignment

The 2025 (No. 2) Regulations that extend the exempt sectors of use for two new POPs will bring the UK into closer alignment with the EU.

The EU has been progressing legislation to add the three new POPs to the EU POPs Regulation¹. The EU chose to do this via three separate instruments. Officials understand drafting of the EU instruments continues. The EU is expected to introduce all exemptions which have been agreed at Convention level for both Dieldrin Plus and UV-328. This is expected to align with the 2025 (No. 2) Regulations. Officials understand that the EU is also introducing an additional exemption, not included in the current Convention listing, for UV-328 for civilian and military aircraft for the same reasons this is needed in the UK POPs Regulation. It is not clear if the scope of this exemption will change to other vehicles, as the proposed exemption in the 2025 (No. 2) Regulations includes. The

¹ Previous drafts of the Commission Delegated Regulations for Dieldrin Plus and UV-328 can be found at:

- [COMMISSION DELEGATED REGULATION \(EU\) .../... amending Regulation \(EU\) 2019/1021 of the European Parliament and of the Council as regards dieldrin plus - Publications Office of the EU](#)
- [COMMISSION DELEGATED REGULATION \(EU\) .../... amending Regulation \(EU\) 2019/1021 of the European Parliament and of the Council as regards UV-328 - Publications Office of the EU](#)
- The Delegated Regulation for the third new POP, methoxychlor, is at [COMMISSION DELEGATED REGULATION \(EU\) .../... amending Regulation \(EU\) 2019/1021 of the European Parliament and of the Council as regards methoxychlor - Publications Office of the EU](#)

EU is likely to be similarly out of compliance with the Convention until the Convention agrees, as is expected to be the case, to retrospectively add this exemption to its listing for UV-328 at the April Conference of the Parties meeting.

Does the SI relate to a common framework or other scheme?

Yes. The UK POPs Regulation forms part of the relevant regulations set out within the scope of the provisional Chemicals and Pesticides Common Framework.

Summary of stakeholder engagement/consultation

We have previously written to our stakeholders setting out the general approach we are taking on POPs in Great Britain as a result of legislative changes precipitated by the UK's exit from the EU.

No further public consultation has been undertaken by UK Government on the introduction of the new POPs Dechlorane Plus or UV-328, and officials have not consulted stakeholders in Scotland on these proposals. Following the initial proposal of Dechlorane Plus, methoxychlor and UV-328 as POPs in 2021, stakeholders had a number of opportunities to feed into UK or Convention-led public engagement / consultations. This included public calls for information and opportunities to comment on draft risk profile and risk management evaluation documents. Previous UK-led public consultation (March – April 2023: [Consultation on potential amendments to the Persistent Organic Pollutants \(POPs\) Regulation](#)) sought to understand what relevant exemptions would need to be applied for to the Convention secretariat. Approaches from industry since Autumn 2024 have indicated that Convention exemptions are relevant, although previous engagement did not indicate this.

DEFRA has indicated that it will not carry out a formal public consultation for these proposed amendments on the basis that stakeholder interest in the changes that the 2025 (No. 2) Regulations introduce is likely to be limited given the fields of use, and since the changes have been developed with prior engagement with concerned industries. As the period of time that the UK is likely to be out of compliance with the Convention is limited, justifiable, and aligned with approaches elsewhere (EU and likely beyond), officials would not expect this aspect to raise concerns with stakeholders.

A note of other impact assessments, (if available)

No Scottish business and regulatory impact assessment has been prepared. The UK Government has indicated that it will produce a draft impact assessment (for business). The UK Government, working with the Devolved Governments, will continue to review potential amendments to the POPs Regulation on an ongoing basis as new evidence is gathered or comes to light.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

The Scottish Ministers consider that consenting to the 2025 (No. 2) Regulations is the most effective and transparent way to make these amendments, as it has been agreed that the UK POPs Regulation will operate consistently across GB in line with the common frameworks approach. Officials have worked with DEFRA to ensure the drafting delivers for our interests and respects devolved competence in Scotland, and so the Scottish Ministers propose to agree to a GB-wide approach.

Intended laying date (if known) of instruments likely to arise

This instrument is subject to the negative procedure and will be laid in draft at Westminster on 3 March 2025.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Ministers' proposal to consent, why not?

The Scottish Parliament has 28 days to scrutinise this proposal.

Information about any time dependency associated with the proposal

Change to the Stockholm Convention on Persistent Organic Pollutants was adopted in Decisions SC-11/9, SC-11/10, and SC-11/11 (Listing of methoxychlor, Listing of Dieldrin Plus and Listing of UV-328, respectively). UK Government received notification from the Convention on the 26 February 2024, and has 12 months to implement these changes. Because of the need to progress the 2025 (No. 2) Regulations to effect further amendments to the UK POPs Regulation before the 2025 (No. 1) Regulations can come into force, that will implement these Convention provisions, the UK will be out of compliance with the Convention for a short period of time.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

None.

Any significant financial implications?

None.

SI NOTIFICATION: SUMMARY

<p>Title of Instrument</p> <p>The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2025</p>
<p>Proposed laying date at Westminster</p> <p>3 March 2025</p>
<p>Date by which Committee has been asked to respond</p> <p>28 February 2025</p>
<p>Power(s) under which SI is to be made</p> <p>Articles 15(1) and 18(1) of assimilated Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (recast).</p>
<p>Categorisation under SI Protocol</p> <p>Type 1</p>
<p>Purpose</p> <p>The purpose of this instrument is to amend Regulation (EU) 2019/1021 of the European Parliament and of the Council concerning Persistent Organic Pollutants (the UK POPs Regulation), which is now assimilated law, to introduce specific exemptions to the prohibition on the manufacturing, placing on the market and use of two new Persistent Organic Pollutants (POPs). These two new POPs were due to be introduced to the UK POPs Regulation, which implements the international Stockholm Convention on POPs in the UK, along with one other new POP last year by amending Regulations consented to by Scottish Ministers with the agreement of the Scottish Parliament (the draft Persistent Organic Pollutants (Amendment) Regulations 2024); those Regulations have not yet been made by the Secretary of State as it became clear after further engagement with stakeholders that further exemptions, as now being introduced by this instrument, were required. At the same time as making these Regulations, the UK Government will also make the previously approved draft Persistent Organic Pollutants (Amendment) Regulations 2024. The necessary exemptions primarily concern uses in the aerospace, automotive, defence, and medical sectors, but also other industrial and technical applications. All of these exemptions bar one are agreed at Convention level, which means they are available to Convention signatories that need them. The one exemption that has not been agreed at Convention level concerns the use of one of the new POPs in the aerospace and defence sectors.</p> <p>Because of the delay in making the amendments to the UK POPs Regulation the UK will miss the Stockholm Convention’s deadline for introducing the necessary legislation relating to these</p>

new POPs. For one of the new POPs, a new exemption (as introduced by this instrument) needs to be introduced at Convention level; it is hoped that the Convention will adopt this additional exemption at its April 2025 meeting. Assuming this exemption is agreed at Convention level, the UK would again be in compliance with the Convention for this new POP

The changes this instrument introduces will bring the UK into closer alignment with the EU, which is making similar changes to its equivalent legislation.

Other information

Change to the Stockholm Convention on Persistent Organic Pollutants was adopted in Decisions SC-11/9, SC-11/10, and SC-11/11 (Listing of methoxychlor, Listing of Dechlorane Plus and Listing of UV-328, respectively). UK Government received notification from the Convention on the 26 February 2024, and have 12 months to implement these changes.