*This Statutory Instrument has been made in consequence of errors in S.I. 2020/1358 and is being issued free of charge to all known recipients of that Statutory Instrument.*

*Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2022 No.

# EXITING THE EUROPEAN UNION

# ENVIRONMENTAL PROTECTION

## The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022

| | |
|---|---|
| *Made - - - -* | *** |
| *Coming into force - -* | *** |

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

### Amendment of Regulation (EU) 2019/1021 on persistent organic pollutants

**2.**—(1) Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast)(**b**) is amended as follows.

(2) In Annex 1, in Part A, in the Table—

(a) in the entry for bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE), in the fourth column, after point 2 insert—

(**a**) 2018 c. 16. Paragraph 21 of Schedule 7 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) EUR 2019/1021, amended by EUR 2020/784 and S.I. 2020/1358; there are other amending instruments but none is relevant.

"3. By way of derogation, the manufacturing, placing on the market and use of decaBDE are allowed for the following purposes:

(a) in the manufacturing of an aircraft, for which type approval was applied for before 2 March 2019 and was received before December 2022, until 18 December 2023, or, in cases where the continuing need is justified, until 2 March 2027;

(b) in the manufacturing of spare parts for either of the following:

(i) an aircraft, for which type approval was applied for before 2 March 2019 and was received before December 2022, produced before 18 December 2023, or, in cases where the continuing need is justified, produced before 2 March 2027, until the end of service life of that aircraft;

(ii) a motor vehicle within the scope of Regulation (EU) 2018/858 of the European Parliament and of the Council on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC(**a**) and produced before 15 July 2019, either until 2036 or the end of service life of that motor vehicle, whichever date comes earlier;

(c) electric and electronic equipment within the scope of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(**b**).";

(b) in the entry for perfluorooctane sulfonic acid and its derivatives (PFOS) $C_8F_{17}SO_2X$, in the fourth column, in point 4, in the first paragraph, in the second sentence—

(i) for the words from "Provided" to "Commission", in the first place it occurs, substitute "Provided that where PFOS is used the competent authority reports to the appropriate authority";

(ii) for "Commission", in the second place it occurs, substitute "appropriate authority";

(c) in the entry for perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, in the fourth column, in point 7 for "Commission" substitute "appropriate authority".

**Amendment of the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020**

**3.**—(1) The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020(**c**) are amended as follows.

(2) In regulation 26, in paragraph (8) omit sub-paragraphs (a) and (c).

*Name*
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) partly in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

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(**a**) EUR 2018/858.
(**b**) S.I. 2012/3032, amended by S.I. 2019/492; there are other amending instruments but none is relevant.
(**c**) S.I. 2020/1358.

Regulation 2(2)(a) reinstates with modifications point 3 in the entry for bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE in Part A of Annex 1 of Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) ("Part A of Annex 1 to the EU Regulation"). Point 3 contains a set of exemptions relating to that substance. This corrects an error in the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), which mistakenly omitted point 3.

Regulation 2(2)(b) corrects the entry for perfluorooctane sulfonic acid and its derivatives (PFOS) $C_8F_{17}SO_2X$ in Part A of Annex 1 to the EU Regulation which confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it.

Regulation 2(2)(c) corrects the entry for perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds Part A of Annex 1 to the EU Regulation which also confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it.

Regulation 3 amends the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358). This amendment omits amending provisions which referred in error to words in a provision in Part A of Annex 1 to the EU Regulation which were not actually contained in that provision.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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