EXPLANATORY MEMORANDUM TO

THE PERSISTENT ORGANIC POLLUTANTS (AMENDMENT) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Minister Emma Hardy, Minister of State at the Department for Environment, Food and Rural Affairs, confirms that this Explanatory Memorandum meets the required standard.

2.2 Marc Casale, Policy Deputy Director for Chemicals and International at the Department for Environment, Food, and Rural Affairs, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Lyndon Ashmore (Policy Adviser for POPs chemicals) in the Department for Environment, Food and Rural Affairs, can be contacted by email at the following address with any queries regarding the instrument: pops@defra.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations make amendments to Annex 1 of Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (recast) ("the POPs Regulation"). The amendments relate to the manufacture, use and placing on the market of substances, mixtures and articles containing POPs.

4.2 Some of these amendments are being made to bring the POPs Regulation in line with amendments to the Stockholm Convention on Persistent Organic Pollutants, to which the UK is a Party. Other changes are in response to scientific and technical progress.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Great Britain.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Great Britain.

5. Policy Context

What is being done and why?

5.1 This instrument prohibits five new POPs substances or groups of substances in Great Britain and amends the existing controls on two others. POPs are substances which meet four criteria: they are persistent, toxic, bio-accumulative, and subject to long-range environmental transport. The UK is a Party to the Stockholm Convention, which aims to eliminate or restrict the production and use of POPs to protect human health and the environment.

5.2 Parties to the Convention are required to prohibit and / or take the legal and administrative measures necessary to eliminate production and use of the POPs chemicals listed in Annex A of the Convention, subject to the provisions of that Annex. The Conference of the Parties (COP) to the Stockholm Convention, at its eleventh meeting in May 2023, adopted amendments to Annex A, to list the substances UV-328 and Dechlorane Plus for global elimination with certain time-limited exemptions for continued use. Similarly, at its twelfth meeting in May 2025, the COP agreed to list the substances medium-chain chlorinated paraffins (MCCPs), long-chain perfluorocarboxylic acids (LC-PFCAs) and chlorpyrifos in Annex A, for global elimination and with certain time-limited exemptions for continued use. This instrument prohibits all five POPs substances by adding them to Annex 1 of the POPs Regulation.

5.3 When implementing Convention decisions to prohibit POP substances, Parties such as the UK can provide exemptions for the continued use or presence of these substances where these specific exemptions have been agreed and made available by the COP. This instrument introduces all the exemptions which have been agreed by the COP to be made available for UV-328, Dechlorane Plus, MCCPs and LC-PFCAs. This instrument does not include any of the specific exemptions made available for chlorpyrifos as the use of this pesticide has already been completely phased out in the UK.

5.4 The Convention-agreed exemptions in this instrument make available the time-limited use of four of these new POP substances for various applications including in some aerospace, automotive, defence, medical-technological, manufacturing and other industries. Details of these specific exemptions, and the relevant time limits for their use, are included in the instrument.

5.5 When implementing Convention decisions to prohibit POP substances, Parties such as the UK can also provide exemptions for the presence of prohibited POPs substances as unintentional trace contaminants (UTCs) in substances, articles, or mixtures. The POPs Regulation therefore specifies concentrations up to which POPs can be lawfully present in a substance, article, or mixture, where they are present unintentionally, with no deliberate purpose or presence, and in minimal or trace amounts. This instrument sets UTC limits for each of the five POPs substances being added to Annex 1 of the POPs Regulation.

5.6 The COP does not typically specify UTC limits for Parties to implement, although an upper threshold was specified as part of the COP decision for MCCPs: this threshold (3%) is reflected in the instrument as a general UTC limit for the presence of MCCPs in substances and mixtures, with a lower level (0.45%) for presence of MCCPs in articles. The Convention-agreed threshold for MCCPs is subject to Convention-level review scheduled in 2029, and then every 4 years thereafter: as such, the UTC limits

for MCCPs may subsequently be amended in future, including in response to Convention-level reviews.

5.7 Finally, the instrument also includes amendments to the Annex 1 entries for two POPs substances or groups of substances that are already prohibited under the POPs Regulation. One is to amend the Annex 1 entry for perfluorooctane sulfonic acid (PFOS), including its derivatives, by lowering its UTC limit, and also by removing a reference to European reference standards which is no longer relevant. Similarly, the instrument amends the entries for the group of POPs called PBDEs (the five POPs substances tetra-, penta-, hexa-, hepta- and deca-BDE, collectively known as Polybrominated diphenyl ethers or PBDEs) to reduce their UTC limits where these substances are present in mixtures or articles.

5.8 We anticipate that similar amendments will be made in parallel to the Regulation (EU) 2019/1021 of the European Parliament and of the Council on Persistent Organic Pollutants (recast) as it has effect in EU law ("the EU POPs Regulation"), or are already in force in EU and Northern Ireland, with broadly similar intentions, outcomes, and timescales in line with the EU's equivalent obligations under the Stockholm Convention. Legislative equivalence with our closest trading partners has been a key consideration in the design of this intervention, with greater alignment likely to reduce business complexity and trade barriers and provide industry with greater certainty. Respondents to Defra's public consultation on the proposals highlighted benefits of alignment between equivalent POPs.

What was the previous policy, how is this different?

5.9 MCCPs, LC-PFCAs and chlorpyrifos have not previously been regulated as POPs under the POPs Regulation. Following their listing as POPs substances under the Stockholm Convention in May 2025, they are now being added to the POPs Regulation and prohibited subject to specific UTC limits and with specific-use exemptions where relevant and as provided for under the Convention.

5.10 UV-328 and Dechlorane Plus were listed as POPs under the Stockholm Convention in May 2023 and were first prohibited under the POPs Regulation in April 2025, with exemptions for their continued use allowed by the Stockholm Convention. However, after the relevant SIs had been made, the UK Government received information from the Medical Technology industry indicating a continuing need for the use of UV-328 and Dechlorane Plus in certain medical applications. This information, together with information received from other stakeholders, indicated that more time was required to investigate the impact on current supply chains and transition to alternatives. The Government decided to revoke the prohibitions on these two substances while further evidence was gathered[1].

5.11 Following a subsequent public consultation, held over eight weeks from 18 March to 13 May 2026, this instrument now implements the Government's commitment to reinstate the prohibitions on UV-328 and Dechlorane Plus, in line with the requirements of the Stockholm Convention.

6. Legislative and Legal Context

How has the law changed?

6.1 The POPs Regulation is assimilated law and implements the UK's international obligations under the Stockholm Convention on POPs and the Protocol to the 1979

[1] See the Persistent Organic Pollutants (Amendment) (No.3) Regulations 2025 No. 605

Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, in relation to England, Scotland and Wales. Under the Windsor Framework, the EU POPs Regulation applies in Northern Ireland.

6.2 This instrument makes amendments to the table in Part A of Annex 1 of the POPs Regulation (substances subject to the prohibition on manufacturing, placing on the market and use). It adds entries for the substances Dechlorane Plus, UV-328, MCCPs, LC-PFCAs and chlorpyrifos, including available specific exemptions for all substances except chlorpyrifos, and UTC limits for all substances.

6.3 The instrument also amends the UTC limit specific for PFOS in the table in Part A of Annex 1 and removes a reference to the European Committee for Standardisation, which is no longer relevant. Finally, the instrument lowers the UTC limits for the five PBDEs (tetra-, penta-, hexa-, hepta- and deca-BDE) when present in mixtures and articles, as listed in the same table in Part A of Annex 1.

6.4 In Great Britain, the export of hazardous chemicals, including POPs, is regulated by the Prior Informed Consent (PIC) regime, as administered by the Health and Safety Executive (HSE).

Why was this approach taken to change the law?

6.5 This is the only possible approach in order to make the necessary amendments.

7. Consultation

Summary of consultation outcome and methodology

7.1 Defra has consulted with devolved administrations and their competent authorities in the drafting of the instrument, as well as other relevant bodies, including the Environment Agency, the Health and Safety Executive and other government departments.

7.2 A draft instrument was subject to an eight-week public consultation, carried out by Defra, between 18 March and 13 May 2026. This consultation received 25 responses, primarily from trade associations and large businesses. Overall, respondents to the consultation supported the proposed amendments, particularly the prohibitions and approach to providing exemptions. A government response and summary of responses has been published on the GOV.UK website[2].

8. Applicable Guidance

8.1 Guidance around the management of POPs is already publicly available and is owned and updated by the Environment Agency in England, the Scottish Environment Protection Agency (SEPA) in Scotland, and Natural Resources Wales in Wales. The amendments outlined in this instrument will be reflected in this guidance as and when it is necessary.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

[2] https://www.gov.uk/government/consultations/amendments-to-the-persistent-organic-pollutants-pops-regulation-2026/outcome/summary-of-responses-and-government-response

Impact on businesses, charities and voluntary bodies

9.2 There are no or no significant impacts on charities or voluntary bodies due to this intervention because evidence collected indicates that these organisations will not have to make changes to their activity to comply with the policy intervention.

9.3 The legislation impacts small and micro businesses. To minimise the impact of the requirements on businesses including small or micro businesses (employing up to 50 people), this instrument introduces all specific exemptions available under the Stockholm Convention to allow the continued use of the substances UV-328, Dechlorane Plus, MCCPs and LC-PFCAs (but not chlorpyrifos, which has already been phased out of use in UK). This provides businesses with time to identify and implement alternatives to these prohibited substances.

9.4 No significant impacts are expected on the public sector because relevant organisations will not have to make changes to their activities in order to comply with the policy intervention.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 A post-implementation review will start in 2031, coinciding with the expiry of many of the time-limited exemptions. This timing reflects the point at which many business-critical uses of these substances are expected to have ceased.

10.2 This review is in addition to POPs reporting and monitoring requirements set out in Articles 4 and 15 of the Stockholm Convention, which the UK is already required to meet.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Minister Emma Hardy, Minister of State for the Department for Environment, Food and Rural Affairs has made the following statement regarding Human Rights:

"In my view the provisions of the Persistent Organic Pollutants (Amendment) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").