EXPLANATORY MEMORANDUM TO

THE PERSISTENT ORGANIC POLLUTANTS (AMENDMENT) (NO. 3) REGULATIONS 2025

2025 No. 605

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) 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 Emma Hardy, Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

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

3. Contact

3.1 Lyndon Ashmore at the Department for Environment, Food and Rural Affairs, email: pops@defra.gov.uk can be contacted with any queries regarding the instrument.

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 ("POPs") (recast) ("the POPs Regulation"). They remove the entries for UV-328 and Dechlorane Plus from the table in that Annex.

Where does the legislation extend to, and apply?

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

4.3 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 removes the entries for UV-328 and Dechlorane Plus in the table of substances in Annex 1 of the POPs Regulation. This means that the prohibitions in

relation to those substances in Great Britain will no longer apply. These changes are made in response to new information on impacts arising from these prohibitions.

What was the previous policy, how is this different?

5.2 In May 2023, at its eleventh meeting, the Conference of the Parties (COP) to the Stockholm Convention, adopted amendments to Annex A of the Convention, to list the substances UV-328 and Dechlorane Plus with certain time-limited exemptions for continued use. Parties to the Convention are required to prohibit and/or take the legal and administrative measures necessary to eliminate production and use of the chemicals listed in Annex A, subject to the provisions of that Annex. The amendments to Annex A entered into force on 26 February 2025.

5.3 Statutory Instruments ("SIs") 2025/296 and 2025/297 implemented these prohibitions in Great Britain and also introduced a number of specific exemptions available or proposed under the Stockholm Convention.

5.4 The instruments came into force on 1 April 2025, after the entry into force of the amendments to the Stockholm Convention. Owing to the timing of the implementation, and the fact that SI 2025/297 included an exemption for the continued use of UV-328 which was not, at that time, included in the Stockholm Convention, the UK submitted a notification of non-acceptance in relation to the amendments to the Convention to list UV-328, Dechlorane Plus and methoxychlor.

5.5 After SIs 2025/296 and 2025/297 had been made, the UK Government received information from Medical Technology (MedTech) industry stakeholders 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 needed for relevant stakeholders to fully understand the extent of the use of these substances in supply chains and find suitable alternatives in order to transition away from their use as quickly as possible. This instrument accordingly removes the prohibitions in relation to these substances.

5.6 It was necessary to expedite this legislation to mitigate any potential disruption occurring to the supply of essential medical products and any adverse impact to patient care. Without urgent intervention, healthcare providers including the NHS would experience a shortage of essential healthcare technology which would have a significant impact on patient care and waiting lists in England, Scotland and Wales. It has not been possible to draw up additional exemptions for these specific MedTech needs in the time available, hence it has been necessary to revoke the prohibitions.

5.7 As the UK Government has issued a notification of non-acceptance, the amendments to the Convention listing UV-328 and Dechlorane Plus do not apply to it. The UK Government remains committed to the aims of the Stockholm Convention and intends to withdraw the notification and implement the prohibitions at an appropriate time. We intend to reintroduce the prohibitions with the full range of exemptions that need to be applied once we have a satisfactory understanding of what those exemptions should be and of their justification.

5.8 Apart from the removal of the prohibitions in relation to UV-328 and Dechlorane Plus implemented by SIs 2025/296 and 2025/297, this SI makes no further changes to the measures introduced by these two instruments. Therefore, the prohibition of methoxychlor and the other environmental protection measures contained within SI 2025/296 will remain in place. The UK's notification of non-acceptance included methoxychlor, but the prohibition of this substance will remain in place and it is our intention to withdraw the notification for this substance.

5.9 Under the Windsor Framework, Regulation (EU) No 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants ("the EU POPs Regulation") applies in Northern Ireland. Dechlorane Plus and UV-328 are not currently listed in the EU POPs Regulation. Defra will continue to monitor amendments to the EU POPs Regulation and potential impacts arising from any divergence between POPs legislation in Great Britain and Northern Ireland

6. Legislative and Legal Context

How has the law changed?

6.1 The POPs Regulation implements international obligations under the Stockholm Convention on POPs and the Protocol to the 1979 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 (substances subject to the prohibition on manufacturing, placing on the market and use) of the POPs Regulation, as amended by SIs 2025/296 and 2025/297. In particular, this instrument removes the entries for the substances UV-328 and Dechlorane Plus in full.

Why was this approach taken to change the law?

6.3 An amendment to the POPs Regulation is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 An eight-week public consultation on proposed amendments to the POPs Regulation was hosted by Defra on Citizen Space and GOV.UK from 2 March 2023 to 27 April 2023. A total of 58 responses to the consultation were received. The largest group of respondents identified as industry associations (24%), while we also received a number of responses from large businesses (16%) and local authorities (16%). Other respondent groups included charities and non-governmental organisations and small and medium-sized businesses.

7.2 A full summary of responses and the Government response has been published on GOV.UK and is available here: Amendments to the persistent organic pollutants (POPs) regulation - GOV.UK[1].

7.3 This consultation stated Defra's intention to add UV-328 and Dechlorane Plus to Annex 1 of the POPs Regulation should they be agreed to be listed under the Stockholm Convention. There had previously been opportunities for UK stakeholders to engage with earlier public engagement – both UK- and Convention-led – at various stages before these three substances were adopted for elimination under the Convention, following the initial 2019 and 2020 nominations to list them as POPs. This included public calls for information and opportunities to comment on draft risk profiles and risk management evaluation documents made publicly available by the Convention's POPs Review Committee.

[1] https://www.gov.uk/government/consultations/amendments-to-the-persistent-organic-pollutants-pops-regulation

7.4 This expedited legislative action is necessary in particular to mitigate imminent disruption to the medical sector, including the NHS, in response to the new and urgent information from the medical technology sector on impacts arising from these prohibitions. Therefore, it has been necessary to proceed at pace with the legislation, and further public consultation was neither possible nor proportionate. However, we have been engaging with and continue to engage with the Department for Health and Social Care, industry stakeholders and other relevant stakeholders on this issue.

7.5 The Scottish Ministers and the Welsh Ministers have consented to the Secretary of State making these Regulations, in accordance with Article 2A of the POPs Regulation.

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.

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.

Impact on businesses, charities and voluntary bodies

9.2 The amendment removes the prohibition on UV-328 and Dechlorane Plus. This will, in particular, help prevent significant disruptions to the supply of medical technology equipment and the delivery of healthcare interventions and tests.

9.3 The amendment is expected to impose minimal direct costs on businesses, limited to one-off familiarisation costs. The amendment applies to businesses of all sizes, including small and micro businesses (up to 50 employees), and is not expected to impose a burden, as it primarily introduces benefits.

9.4 There is no, or no significant, impact on charities or voluntary bodies because evidence collected on the amendments to the POPs Regulation indicates that these organisations will not have to make changes to their activity to comply with the policy intervention.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister Emma Hardy has made the following statement:

"I consider a review provision would be an unnecessary and disproportionate addition to the existing engagement and monitoring carried out by the Department and Regulators. Defra will continue to work with stakeholders and regulators to assess the impact of the Regulations, including the ongoing need for UV-328 and Dechlorane Plus in specific applications, and the efforts made to transition away from their use. These assessments will help inform when and how the prohibitions of the two substances may be reinstated".

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This legislation will be in breach of Parliament's 21-day rule. Notwithstanding the engagement referred to in section 7 as part of the Department's planned approach, the Department received information recently as described in paragraph 5.5, and for the reasons set out in paragraphs 5.6 and 7.4, has proceeded to both make the amending legislation and bring it into force as quickly as possible. The Department notes that the changes made by this instrument relax regulatory burdens on industry stakeholders, and do not increase or introduce such burdens.

12. European Convention on Human Rights

12.1 Minister Emma Hardy, Parliamentary Under Secretary of State at 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) (No. 3) Regulations 2025 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").