

Draft Regulations laid before Parliament under Article 18(4) of [Regulation \(EU\) 2019/1021](#) of the European Parliament and of the Council on persistent organic pollutants (recast), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. XXXX

ENVIRONMENTAL PROTECTION

**The Persistent Organic Pollutants
(Amendment) (No. 2) Regulations 2023**

Made - - - -

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 15(1) and 18(1) of [Regulation \(EU\) 2019/1021](#) of the European Parliament and of the Council on persistent organic pollutants (recast) (“the POPs Regulation”)(¹).

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.

In accordance with Article 18(4) of the POPs Regulation, 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) (No. 2) Regulations 2023 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Amendment to [Regulation \(EU\) 2019/1021](#)

2.—(1) Part A of Annex 1 to [Regulation \(EU\) 2019/1021](#) of the European Parliament and of the Council on persistent organic pollutants (recast) (Substances listed in the Convention and in the Protocol as well as substances listed only in the Convention) is amended as follows.

(2) At the end, insert as a new row—

“Perfluorohexane sulfonic acid (PFHxS),	355-46-4 and others	206-587-1 and others	For the purposes of this entry, Article 4(1)
---	---------------------	----------------------	--

(1) EUR 2019/1021, amended by [S.I. 2020/1358](#); there are other amending instruments but none is relevant.

its salts, and PFHxS-related compounds.

‘Perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related compounds’ means the following:

(i) perfluorohexane sulfonic acid (PFHxS), including branched isomers;

(ii) its salts;

(iii) any substance that contains the chemical moiety C₆F₁₃SO₂⁻ as one of its structural elements and that potentially degrades to PFHxS.

(b) applies in each of the following cases:

(a) where the sum of the concentrations of PFHxS and any of its salts present in a substance, mixture or article is equal to or below 0.025 mg/kg (0.0000025% by weight);

(b) where the sum of the concentrations of any PFHxS-related compounds present in a substance, mixture or article is equal to or below 1 mg/kg (0.0001% by weight);

(c) where the sum of the concentrations of PFHxS, any of its salts, and any PFHxS-related compounds present in concentrated fire-fighting foam mixtures that are to be used or are used in the production of other fire-fighting foam mixtures is equal to or below 0.1 mg/kg (0.00001% by weight).”

Date

Name
Parliamentary Under Secretary of State
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 Articles 15(1) and 18(1) of [Regulation \(EU\) 2019/1021](#) of the European Parliament and of the Council on persistent organic pollutants (recast) (“EUR 2019/1021”).

Regulation 2 adapts Annex 1 to EUR 2019/1021 to a change to the list of substances set out in Annex A to the Stockholm Convention on Persistent Organic Pollutants (“the Convention”) (ratified by the United Kingdom on 17th January 2005). This change was adopted at the tenth meeting of the Conference of the Parties to the Convention in Decision SC-10/13 (Listing of perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds) and was notified to parties to the Convention under Depository Notification C.N.401.2022.TREATIES-XXVII.15. Regulation 2 also specifies the concentration limits up to which the newly listed substance may be present as an unintentional trace contaminant.

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. Instead a de minimis assessment has been prepared as this instrument is likely to entail some costs for businesses, but the net impact is estimated to be below £5 million per year.