

Control on persistent organic pollutants if there's no Brexit deal

Summary

How regulation of persistent organic pollutants would be affected if the UK leaves the EU with no deal

Detail

If the UK leaves the EU in March 2019 without a deal, find out how the production, sale, handling and disposal of persistent organic pollutants would be regulated.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

This notice outlines the arrangements that would come into force to regulate Persistent Organic Pollutants (POPs) if the UK leaves the EU in March 2019 with no deal.

Persistent Organic Pollutants are organic compounds that are resistant to environmental degradation through chemical, biological, and photolytic processes. They persist in the environment for long periods, are capable of long-range transportation, bioaccumulate in human and animal tissue and biomagnify in food chains, and have potentially significant impacts on human health and the environment.

Exposure to POPs can cause serious health problems including certain cancers, birth defects, dysfunctional immune and reproductive systems, and greater susceptibility to disease.

Before 29 March 2019

The Persistent Organic Pollutants (POPs) regulations implement, manage and enforce the international Stockholm Convention agreement on POPs and the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (CLRTAP). Competent authorities in the four UK countries manage permits and inventories. They are also responsible for some monitoring and enforcement of the regulations.

The competent authorities are:

- For England, the [Environment Agency](<https://www.gov.uk/government/organisations/environment-agency>)
- For Northern Ireland, the [Department of Agriculture, Environment and Rural Affairs](<https://www.daera-ni.gov.uk/>)
- For Scotland, the [Scottish Environment Protection Agency](<https://www.sepa.org.uk/>)
- For Wales, the [Natural Resources Body for Wales](<https://naturalresources.wales>)

After March 2019 if there's no deal

The UK is a party to both the Stockholm Convention and the CLRTAP in its own right and as such would be bound by their obligations and retain existing protections. This will not change after leaving the EU.

The competent authorities would remain the same as currently.

Control of production, placing on the market and use

The criteria for managing existing substances and new substances exhibiting characteristics of persistent organic pollutants would remain the same. Future updates would be in accordance with Stockholm Convention decisions and agreed scientific and technical progress. The Secretary of State, Scottish Minister, Welsh Minister and Department of Agriculture, Environment and Rural Affairs in Northern Ireland are responsible for ensuring that these substances are not produced and do not reach the market once identified in accordance with restrictions set out in the annexes to the legislation. Competent authorities in the relevant country should be contacted if there are any concerns about a substance.

Exemptions from control measures

Exemptions from the restrictions agreed by the Stockholm Convention and set out in the current EU regulation would remain the same.

Polychlorinated Biphenyls (PCB) Inventories

Each competent authority is responsible for keeping a record of PCB equipment still to be destroyed. They would continue to keep this record and should be informed if any equipment is identified as containing PCBs or when they have been safely destroyed.

Annexes

The list of substances in the annexes to the current EU regulation that are controlled and monitored would be unchanged. Waste management methods and concentration limits for individual substances set out in the annexes to the EU regulation would remain unchanged. Future updates would be in accordance with Stockholm Convention decisions and an agreed scientific and technical progress.

New POPs substances

Identification of potential new POPs substances, with the exception of pesticides, may come from any source but would be managed initially through the UK chemicals regulatory regime that would replace REACH. If all the characteristics of a POP emerge from the evidence gathering, the UK would develop a dossier to present to the Stockholm Convention's POP Review Committee (POPRC) for assessment.

We also recommend reading the following technical notices:

- [Regulating chemicals (REACH) if there's no Brexit deal](<https://www.gov.uk/government/publications/regulating-chemicals-reach-if-theres-no-brexite-deal>)
- [Control on mercury if there's no Brexit deal](needs link)
- [Regulating biocidal products if there's no Brexit deal](needs link)
- [Classifying, labelling and packaging chemicals if there's no Brexit deal](needs link)
- [Export and import of hazardous chemicals if there's no Brexit deal](needs link)
- [Regulating pesticides if there's no Brexit deal](needs link)

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas,

these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.