

<p>Title: Second PIR of The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (BPC 2013)</p> <p>PIR No: HSE PIR2023_003</p> <p>Original IA/RPC No: RPC13-HSE-1787</p> <p>Lead department or agency: HSE</p> <p>Other departments or agencies: Click here to enter text.</p> <p>Contact for enquiries: Pierre Cruse</p>	Post Implementation Review
	Date: 07/07/2023
	Type of regulation: Domestic
	Type of review: Statutory
	Date measure came into force: 01/09/2013
	Recommendation: Keep
RPC Opinion: Choose an item.	

1. What were the policy objectives of the measure? (Maximum 5 lines)

BPC 2013 formally appoints national authorities and provides for enforcement, including penalties for infringement, in respect of three retained direct-acting European Union (EU) Regulations concerning: the making available on the market and use of biocidal products (biocides); the export and import of hazardous chemicals (PIC); and classification, labelling and packaging of substances and mixtures (CLP).

2. What evidence has informed the PIR? (Maximum 5 lines)

Based on the first PIR outcomes (August 2018) this second PIR focused on issues highlighted via HSE's on-going work with the BPC 2013 regulations. Evidence included operational data and HSE Chemicals Regulation Directorate feedback; stakeholder intelligence; and a limited response to a short survey sent to Trading Standards Officers and Environmental Health Officers working for appointed authorities (Local Authorities) via an existing communications system.

3. To what extent have the policy objectives been achieved? (Maximum 5 lines)

Based on the [better regulation principles](#), the evidence suggests that the regulations are generally working well. However, unlike other enforcement legislation, enforcers lack the power to issue enforcement notices under these regulations. The inclusion of such a power would increase the effectiveness of enforcing in this area. It may be beneficial to review available data after an agreed period to inform a policy review.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: **Edward Woolley** 

Date: 19/07/2023

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?(Maximum 5 lines)

The assumptions for BPC 2013 detailed in the original impact assessment (IA) stated that the Equivalent Annual Net Costs to Business (EANCB) for the BPC 2013 changes was £0 (zero). These assumptions were not re-assessed in this second PIR. The 2018 PIR found *'no evidence that the assumptions made in the original IA are not still relevant, and HSE has received no intelligence of additional costs that the IA did not consider'*.

5. Were there any unintended consequences? (Maximum 5 lines)

The previous PIR stated, for BPC 2013, there are *'[n]o new duties ... proposed for businesses, ... hence minimal need for BPR, PIC or CLP legislation dutyholders to familiarise themselves with the proposed administrative arrangements in relation to enforcement, penalties and appointment of Competent Authorities/DNAs'*. Overall, there appear to be no notable unintended consequences related to the BPC 2013 regulations identified by stakeholders consulted which reflects the 2018 PIR findings.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

The evidence concluded that the aims of the regulations could not be achieved with a system that imposed less burden on business.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements? (Maximum 5 lines)

Following the UK's departure from the European Union (EU), there is no longer a requirement to have regard for how Member States have implemented the relevant EU Directives. HSE assessed that it would be disproportionate to approach EU Member States or other countries outside the EU to gather this information for this PIR.