2023 No. 1217

ENVIRONMENTAL PROTECTION

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

Made - - - 15th November 2023

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")(**a**).

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), its salts, and PFHxS-related compounds.	355-46-4 and others	206-587-1 and others	For the purposes of this entry, Article 4(1)(b) applies in each of the following cases:
'Perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related			(a) where the sum of the concentrations of PFHxS and any of its salts present in a

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

compounds' meanssubstance, mixturethe following:or article is equal to(i) perfluorohexanemg/kg (0.000025%sulfonic acidby weight);(PFHxS), includingbranched isomers;(b) where the sum ofthe concentrations ofany PFHxS-related(ii) its salts;any PFHxS-relatedcompounds presentin a substance,that contains themixture or article ischemical moietyequal to or below 1 $C_6F_{13}SO_2$ - as one ofmg/kg (0.0001% byits structuralweight);elements and thatpotentially degrades(c) where the sum ofto PFHxS.the concentrations ofPFHxS.pFHxS, any of itssalts, and anyPFHxS-relatedcompounds presentin concentrated fire-fighting foammixtures that are tobe used or are usedin the production ofother fire-fightingfoammixtures isequal to or below0nthe production of		
or below 0.025 (i) perfluorohexanemg/kg (0.000025% sulfonic acidby weight);(PFHxS), includingbranched isomers;branched isomers;(b) where the sum of the concentrations of any PFHxS-related compounds present(ii) its salts;any PFHxS-related compounds present(iii) any substancein a substance, mixture or article is equal to or below 1 $C_6F_{13}SO_2$ - as one of its structuralelements and that potentially degrades(c) where the sum of the concentrations of pFHxS.for PFHxS.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	compounds' means	substance, mixture
(i) perfluorohexanemg/kg (0.000025%sulfonic acidby weight);(PFHxS), including	the following:	
sulfonic acidby weight);(PFHxS), including(b) where the sum of the concentrations of any PFHxS-related compounds present(ii) its salts;any PFHxS-related compounds present(iii) any substancein a substance, mixture or article is equal to or below 1 mg/kg (0.0001% by weight);(iii) any substancemixture or article is equal to or below 1 mg/kg (0.0001% by weight);(iii) any substancemixture or article is equal to or below 1 mg/kg (0.0001% by its structural elements and that potentially degrades(c) where the sum of to PFHxS.(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		or below 0.025
(PFHxS), including branched isomers;(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 CeF13SO2- as one of its structural elements and that potentially degrades to PFHxS.(c) where the sum of the concentrations of mg/kg (0.0001% by weight);(c) where the sum of the concentrations of potentially degrades to PFHxS.(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	(i) perfluorohexane	mg/kg (0.000025%
branched isomers;(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 $C_6F_{13}SO_2$ - as one of its structural elements and that potentially degrades to PFHxS.(c) where the sum of mg/kg (0.0001% by weight); elements and that potentially degrades to PFHxS.(b) where the sum of the concentrations of potentially degrades to PFHxS.(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		by weight);
branched isomers;(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 $C_6F_{13}SO_2$ - as one of its structural elements and that potentially degrades to PFHxS.(c) where the sum of mg/kg (0.0001% by weight); elements and that potentially degrades to PFHxS.(b) where the sum of the concentrations of potentially degrades to PFHxS.(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	(PFHxS), including	
(ii) its salts;the concentrations of any PFHxS-related compounds present in a substance, mixture or article is equal to or below 1 $C_6F_{13}SO_2$ - as one of its structural elements and that potentially degrades to PFHxS.mixture or article is equal to or below 1 mg/kg (0.0001% by weight); elements and that potentially degrades to PFHxS.(c) where the sum of to PFHxS.(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	e e	(b) where the sum of
(ii) its salts;any PFHxS-related compounds present(iii) any substancein a substance,that contains themixture or article ischemical moietyequal to or below 1C6F13SO2- as one ofmg/kg (0.0001% byits structuralweight);elements and that(c) where the sum ofpotentially degrades(c) where the sum ofthe concentrations ofPFHxS.PFHxS.Salts, and anyPFHxS.PFHxS-relatedcompounds presentin concentrated fire-fighting foammixtures that are tobe used or are usedin the production ofother fire-fightingfoam mixtures isequal to or below		
(iii) any substancecompounds present(iii) any substancein a substance,that contains themixture or article ischemical moietyequal to or below 1C ₆ F ₁₃ SO ₂ - as one ofmg/kg (0.0001% byits structuralweight);elements and that(c) where the sum ofto PFHxS.the concentrations ofPFHxS.PFHxS, any of itssalts, and anyPFHxS-relatedcompounds presentin concentrated fire-fighting foammixtures that are tobe used or are usedin the production ofother fire-fightingfoam mixtures isequal to or below	(ii) its salts:	
(iii) any substancein a substance,that contains themixture or article ischemical moietyequal to or below 1 $C_6F_{13}SO_2$ - as one ofmg/kg (0.0001% byits structuralweight);elements and that(c) where the sum ofto PFHxS.the concentrations ofPFHxS.PFHxS, any of itssalts, and anyPFHxS-relatedcompounds presentin concentrated fire-fighting foammixtures that are tobe used or are usedin the production ofother fire-fightingfoam mixtures isequal to or below	(1) 10 5410,	•
that contains the chemical moietymixture or article is equal to or below 1 $mg/kg (0.0001\% by)$ weight); elements and that potentially degrades(c) where the sum of the concentrations of PFHxS.(c) where the sum of the concentrations of PFHxS.(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	(iii) any substance	
Initial contains the chemical moietyequal to or below 1 mg/kg (0.0001% by weight); $C_6F_{13}SO_{2^-}$ as one of its structuralmg/kg (0.0001% by weight);elements and that potentially degrades(c) where the sum of the concentrations of PFHxS. $OFHxS$. $OFFHxS$, 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	• • •	
Colormg/kg (0.0001% by weight);elements and that(c) where the sum of the concentrations of PFHxS.potentially degrades(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		
its structuralweight);elements and that(c) where the sum ofpotentially degrades(c) where the sum ofto PFHxS.the concentrations ofPFHxS.PFHxS, any of itssalts, and anyPFHxS-relatedcompounds presentin concentrated fire-fighting foammixtures that are tobe used or are usedin the production ofother fire-fightingfoam mixtures isequal to or below	5	1
elements and that potentially degrades to PFHxS. (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		
potentially degrades(c) where the sum ofto PFHxS.the concentrations ofPFHxS, any of itssalts, and anyPFHxS-relatedcompounds presentin concentrated fire-fighting foammixtures that are tobe used or are usedin the production ofother fire-fightingfoam mixtures isequal to or below		weight),
to PFHxS. 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		(c) where the sum 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		
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	ю РГПХ5.	
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		•
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		
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		
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		
mixtures that are to be used or are used in the production of other fire-fighting foam mixtures is equal to or below		
be used or are used in the production of other fire-fighting foam mixtures is equal to or below		0 0
in the production of other fire-fighting foam mixtures is equal to or below		
other fire-fighting foam mixtures is equal to or below		
foam mixtures is equal to or below		-
equal to or below		6 6
1		
0.1 mg/kg		1
(0.00001% by		
weight)."		weight).

Rebecca Pow Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs

15th November 2023

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 $\pounds 5$ million per year.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

[©] Crown copyright 2023



£5.78

http://www.legislation.gov.uk/id/uksi/2023/1217