

Cover page template:

1. Framework ownership

- Framework name: Chemicals and Pesticides Common Framework
- Responsible portfolio Ministers:
 - Màiri McAllan MSP, Minister for Environment and Land Reform
 - Lorna Slater MSP Minister for Green Skills, Circular Economy and Biodiversity
- Framework lead policy team:
 - Environmental Protection Team, Dan Merckel,
 - Environmental Quality Unit, Thekla Garland,
 - SASA Policy and Pesticide Survey Unit, Debbie Kessell,
- Committees that the Framework is being actively shared with:
 - Lead Committee - Net Zero, Energy and Transport Committee
 - Rural Affairs, Islands and Natural Environment Committee (for subject interest)
 - Constitution, Europe, External Affairs and Culture Committee (for wider Frameworks programme interests)

1. Points for the Parliamentary committees to note

a. Procedural

Date of ministerial sign-off of the provisional framework: The published version of the provisional framework was agreed by UK portfolio Ministers in January 2022.

b. Content

- Purpose of the framework

The Chemicals and Pesticides Common Framework extends to areas of chemicals and pesticides that were previously regulated under EU law which have now become retained EU law and intersect with devolved competence. Relevant EU law continues to apply in Northern Ireland by virtue of the Northern Ireland Protocol. Broadly, the areas covered by the Common Framework are:

- the manufacture, placing on the market, and use of chemicals under Registration, Evaluation, Authorisation and Restriction of Chemicals

(REACH);

- the classification, labelling and packaging of substances and mixtures, commonly referred to as Classification Labelling and Packaging (CLP);
- the making available on the market and use of biocidal products, commonly referred to as the Biocidal Products Regulation (BPR);
- the export and import of hazardous chemicals, commonly referred to as Prior Informed Consent (PIC);
- the regulation of detergents;
- the regulation of pesticides, commonly referred to plant protection products (PPPs);
- the regulation of mercury; and
- the regulation of persistent organic pollutants (POPs) and polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

Devolved administrations (DAs) may legislate for their respective nation. Where DA Ministers give consent, the Secretary of State may make regulations on behalf of the DAs to cover whole or part of the UK. The Parties acknowledge there are separate devolution settlements across the UK, which means there is a complex mixture of reserved and devolved competences within the chemicals and pesticides landscape.

- Issues to flag:

The Framework extends to areas of chemicals and pesticides that were previously regulated under EU law which have now become retained EU law and intersect with devolved competence. Relevant EU law continues to apply in Northern Ireland by virtue of the Northern Ireland Protocol.

- Relevant legislation:

The elements of retained EU law in this area that intersect with devolved competence, and relevant international conventions and agreements, where applicable are:

- Regulation (EC) No 1907/2006 of the European Parliament and Of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (EU REACH Regulation)
- Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (as amended)
- Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (CLP Regulation), United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

- Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (BPR Regulation)
- Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (PIC regulation), Rotterdam Convention
- Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market (PPPs Regulation)
- Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants. (POPs regulation) and Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT), Stockholm Convention
- Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury (Mercury Regulation), Minamata Convention
- Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste, Basel Convention
- Regulation (EC) NO 396/2005 of the European Parliament and Of The Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC
- Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products
- Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a Framework for Community action to achieve the sustainable use of pesticides
- Significant differences between the provisional framework and phase 3 summary.

There are no significant differences between the provisional Framework and the technical summary provided to the Scottish Parliament in December 2020, although the text has had general updates to reflect the current context.
- Stakeholder engagement:

- Which stakeholders were consulted at what points in the process

The Common Framework and Concordat were jointly developed by:

- The Department for Environment, Food and Rural Affairs (Defra)
- Scottish Government (SG)
- Welsh Government (WG)
- Northern Ireland, the Department of Agriculture Environment and Rural Affairs (DAERA) and the Department for the Economy (DfE)
- The Health and Safety Executive (HSE)
- The Environment Agency (EA).

In addition a Summary of the Provisional Common Framework for Chemicals and Pesticides was issued centrally by Defra on behalf of participants to selected stakeholders on 12 November 2020 for comment by 26 November 2020. These included regulators, trade associations and NGOs. Specifically within Scotland a copy was issued to the members of the Scottish Chemical Policy Network.

Responses were received from:

- BPCA (British Pest Control Association)
- BASA (British Adhesives and Sealants Association)
- Amenity Forum
- PAN UK (Pesticides Action Network UK)
- CIA (Chemical Industries Association)
- FIDRA (NGO)
- CHEM Trust
- CTPA (Cosmetic, Toiletry and Perfumery Association)
- Scottish Water
- Ulster University
- RSPB
- FDF (Food and Drink Federation)

- Information on the responses received and the key issues raised

The Technical stakeholder engagement raised a variety of comments, however these were mainly questions around the process or policy, rather specific to the documents as drafted. There were detailed questions on how the parties had worked together, and governance. There were also a number of questions about Northern Ireland, where businesses will have to comply with EU REACH.

It was questioned why the Environment Agency was a party to the Common Framework, but other regulators such as SEPA were advisors.

- SG response and the outcome of the consultation

Respondents to the Technical stakeholder engagement were provided with a response to all the issues raised. The general nature of the responses meant that substantive changes were not required to the Common Framework.

In relation to the point about regulators such as SEPA, all four environmental regulators maintain strong links and these have been further strengthened following EU Exit.

- A copy of the Summary of Provisional Common Framework for Chemicals and Pesticides is embedded.



Stakeholder
Summary Outline.pc

- Any plans for future stakeholder consultation

Once the Framework is approved and published we will write to technical stakeholders to inform them that framework has been published and invite further comment. Further the Framework will be reviewed every three years.

- Any Scotland specific policy considerations or interests.

Each of the four administrations may legislate for their respective nation. Where DA Ministers give consent, the Secretary of State may make regulations on behalf of the DAs to cover whole or part of the UK. The Parties acknowledge there are separate devolution settlements across the UK, which means there is a complex mixture of reserved and devolved competences within the much broader chemicals and pesticides landscape. There are many areas of overlap between devolved and reserved areas.

- Any significant points of difference between administrations over the course of agreement of the framework and how these have been addressed.

The development of this framework has been a collaborative process and there have not been any significant points of difference. The main challenge has been around Northern Ireland, where businesses have to comply with EU REACH.

- Information on and links to any recommendations or comments on the framework provided by other legislatures

There have been no recommendations or comments on this framework from the consideration by other legislatures to this point.

- Any relevant developments that the committee(s) should be aware of

The UK Government has announced that it will consider changes to the UK REACH regime. The Minister for Environment and Land Reform has written to the UK Government making clear that it is essential that stakeholders are satisfied that these proposals will not result in a weakening of the level of protection afforded to the environment and human health and that there is no shifting of the burden of proof of safe use from the industry to the regulator, for the work to progress to legislative change in the future.

[Deadline for UK REACH to be extended - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/deadline-for-uk-reach-to-be-extended)

[UK REACH chemicals registration: letter to industry leaders
\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)