

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION
LEGISLATION/DOCUMENTS WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL
AGREEMENT AND THE WINDSOR FRAMEWORK**

COM (2025) 822 FINAL

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL AMENDING REGULATIONS (EC) NO 1907/2006, (EC) NO
1272/2008, (EU) NO 528/2012, (EU) 2019/1021 AND (EU) 2021/697 AS REGARDS
DEFENCE READINESS AND FACILITATING DEFENCE INVESTMENTS AND
CONDITIONS FOR DEFENCE INDUSTRY**

Submitted by the Department for Environment, Food and Rural Affairs on 19 January 2026

SUBJECT MATTER

1. This proposal, part of the “Defence Readiness Omnibus”, amends four European Union (EU) chemicals Regulations and an EU defence Regulation. The four chemicals Regulations are in scope of Annex 2 of the Windsor Framework, and the amendments will introduce new and broader defence exemptions in EU chemicals and environmental law that will automatically apply in Northern Ireland (NI).
2. The proposal addresses the urgent need to strengthen the capacity of the European Defence Technological and Industrial Base (EDTIB) and achieve EU defence readiness by 2030 by removing regulatory barriers.
3. The proposal amends the following Regulations:
 - (i) Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
 - (ii) Regulation (EC) No 1272/2008 on classification, labelling and packaging of chemical substances (CLP)
 - (iii) Regulation (EU) No 528/2012 on Biocidal Products (BPR)
 - (iv) Regulation (EU) 2019/1021 on Persistent Organic Pollutants (POPs)
 - (v) Regulation (EU) 2021/697 on the European Defence Fund (EDF)
4. The amendments to REACH, CLP, BPR and POPs broaden the scope for national defence exemptions for substances, mixtures, and articles in the EU. Since these acts are in scope of Annex 2 of the Windsor Framework, the new EU provisions on defence exemptions will apply in NI.
5. The amendments to Regulation (EU) 2021/697 streamline the EDF, notably by allowing multi-annual work programmes, simplified award criteria, and eligibility for

testing activities outside the EU (e.g. Ukraine). This Regulation is not in scope of Annex 2 of the Windsor Framework and therefore has no direct application in NI.

SCRUTINY HISTORY

6. There is no Parliamentary scrutiny history relevant to this Explanatory Memorandum.
7. This Explanatory Memorandum is submitted to the relevant Parliamentary Scrutiny Committee to note the proposal, its significant policy context, and, specifically, its direct application and impact under the terms of the Windsor Framework.

MINISTERIAL RESPONSIBILITY

8. Policy areas within which COM(2025) 822 proposes amendments concern different departments of the United Kingdom (UK) Government.
9. The Secretary of State for Defence has overall responsibility for defence research, capability and procurement. Individual Ministers from other Government departments are responsible for the Government's consideration of specific initiatives in their respective policy areas.
10. The Secretary of State in the Department for Work and Pensions advised by the Health and Safety Executive (HSE), is responsible for policy questions arising from this document that relate to the classification, labelling and packaging of chemicals and biocidal products.
11. The Secretary of State in the Department for Environment, Food and Rural Affairs (Defra) is responsible for policy questions arising from this document that relate to REACH and POPs.

INTEREST OF THE DEVOLVED GOVERNMENTS

12. Defence is not a devolved matter, but the Devolved Governments have an interest in European defence industrial policy.
13. Regulation of chemicals in the UK engages a mix of reserved and devolved competence. Environmental protection and public health are devolved to Scotland, Wales and NI. Occupational health and safety is devolved in NI. Scottish, Welsh and NI Ministers therefore have an interest in elements of chemicals regulation that affect these areas.

14. Regulation of chemicals in the UK, including assimilated legislation on REACH¹, CLP², BPR³ and POPs⁴, falls under the Chemicals and Pesticides Provisional Common Framework, developed jointly by Defra, Devolved Governments including the Northern Ireland Executive (Department of Agriculture, Environment and Rural Affairs (DAERA) and the Department for Economy (DfE)), HSE and the Environment Agency. This framework facilitates cooperation between these parties to support regulatory consistency across the UK and enable the functioning of the UK internal market while acknowledging policy divergence.

15. In NI, the EU REACH, CLP, BPR and POPs Regulations apply under the terms of the Windsor Framework to enable its dual access to both the UK Internal Market and EU Single Market. Competency in NI for these regimes lies with the following NI departments:

- a. REACH – DAERA and the Department for the Economy (DfE) share joint competence.
- b. CLP – DfE are the lead NI government department while the Department of Justice has responsibility for CLP solely with regards to explosives for civil use. HSE provides scientific and expert advice on matters relating to CLP issues to the NI government departments.
- c. BPR – DfE have sole competence.
- d. POPs – DAERA have sole competence.

16. The devolved governments have been consulted in the preparation of this Explanatory Memorandum and raised no concerns.

LEGAL AND PROCEDURAL BASES

17.

- I. **Legal Basis:** To the extent that the proposal amends REACH, CLP and BPR, Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that the proposal amends POPs, Article 192(1) TFEU. To the extent that the proposal amends EDF, Article 173(3), Article 182(4), Article 183 and Article 188 (second paragraph).
- II. **Legislative Procedure:** Ordinary Legislative Procedure (COD) (2025/0176).

POLICY AND LEGAL IMPLICATIONS

¹ <https://www.legislation.gov.uk/eur/2006/1907/contents>

² <https://www.legislation.gov.uk/eur/2008/1272/contents>

³ <https://www.legislation.gov.uk/eur/2012/528/contents>

⁴ <https://www.legislation.gov.uk/eur/2019/1021/contents>

18. The proposed amendments are intended to broaden the permitted scope of the EU exemption process which is already in place for chemical regulations, to make it easier to apply and meet the needs of the defence industry. It is designed to fast-track defence-related chemicals where the current time-consuming administrative process of agreeing exemptions poses a strategic risk to defence readiness, while maintaining a baseline of environmental protection and requiring justifications for the use of exemptions.

19. Within the EU, the defence exemption provisions in REACH, CLP and BPR are permissive; it is for individual Member States to decide whether, and how, to apply exemptions, where necessary in the interests of defence. The amendments to REACH are designed to address industry concerns that defence considerations were not given sufficient weighting previously, for example, with the restrictions on Per- and Polyfluoroalkyl Substances (PFAS) used in military equipment.

20. In the UK, including NI, the defence exemptions process is the same under the assimilated UK REACH Regulation and EU REACH and is applied UK-side by the REACH Enforcement Regulations 2008 (S.I. 2008/2852)⁵. The defence exemptions process is administered on behalf of the Ministry of Defence (MOD) by MOD Defence, Equipment & Support (MOD DE&S). The proposed amendments to the defence exemption in the EU REACH regulation are consistent with how this exemption is already defined in the UK regulations. As the existing exemptions are in UK legislation, no practical implications are anticipated from this change and decisions on REACH exemptions can continue to apply across the whole of the UK.

21. In the EU, defence exemptions currently exist under Article 1(4) of CLP and Article 2 of BPR. The proposed amendments to EU CLP are designed to create a specific exemption for defence (where one doesn't exist as present) and designed to be consistent with EU REACH amendments. Proposed EU BPR amendments are designed to ensure specific products essential for maintenance of military equipment can be exempted, for example, prevention of microbial growth in aviation fuels (an issue that came up in late 2024/early 2025 in civil aviation) and protecting other sensitive equipment.

22. The defence exemptions for the assimilated GB CLP Regulation and GB BPR are applied in GB through the respective enforcement regimes under the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506)⁶. The defence exemptions process in GB is administered by MOD DE&S.

⁵ <https://www.legislation.gov.uk/uksi/2008/2852/contents>

⁶ <https://www.legislation.gov.uk/uksi/2013/1506/contents>

23. In NI, the defence exemption provisions for CLP and BPR are applied by:

- (i) The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.I. 2013/206)⁷
- (ii) The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.I. 2015/236)⁸

24. The defence exemptions for CLP and BPR in NI are already consistent with the scope of the proposed EU Regulation. No practical implications are anticipated from this change and decisions on UK-wide exemptions can continue to apply in NI. The defence exemptions process is administered by MOD DE&S. Information on defence exemptions in NI is available on the HSE NI website.

25. The proposed amendments in relation to POPs are designed to tackle issues with PFAS and military equipment. Under the implementation of the Stockholm Convention, exemptions can be granted under the Convention and Parties can choose to apply these when they implement domestically. However, a Party cannot unilaterally grant additional exemptions beyond the list of exemptions adopted under the Convention. One of the amendments to the EU POPs Regulation, therefore, introduces a specific obligation on the European Commission and Member States to consider defence readiness in evaluating substances for inclusion under the Convention to ensure any relevant exemptions can be considered at Convention level. The other amendment allows Member States to make exemptions to reporting requirements under the POPs Regulation on grounds of protection of national or EU security interests.

26. In summary these EU proposed changes are not expected to have any practical effects on the use of UK defence exemptions for these chemical products as the new exemptions proposed are already provided for in UK law. UK-wide exemption decisions can continue to apply UK-wide.

CONSULTATION

27. The European Commission conducted a comprehensive stakeholder consultation, which highlighted concerns from industry regarding the existing chemicals legislation and the need for defence and security considerations to be taken into account. No impact assessment was carried out due to the urgency of the proposal.

⁷ <https://www.legislation.gov.uk/nisr/2013/206/contents>

⁸ <https://www.legislation.gov.uk/nisr/2015/236/contents>

FINANCIAL IMPLICATIONS

28. There are no direct financial implications for the UK public finances. The UK is not a contributor to, or beneficiary of, the European Defence Fund. Any potential financial burden or benefits would be indirect, stemming from business adapting to regulatory changes applicable under the Windsor Framework.

A handwritten signature in black ink, appearing to read "Emma Hardy".

EMMA HARDY MP
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