



# Department for Environment Food & Rural Affairs

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Ruth Chambers,  
Senior fellow,  
Green Alliance  
*By email*

20<sup>th</sup> February 2024

Dear Ruth,

Many thanks for your letter of 2 February in response to my letter of 19 January about our forthcoming revocation statutory instrument.

In your letter, you asked a number of questions in relation to the government's statutory report to Parliament on REUL and some questions for clarification. Please find responses to these below.

Defra's delivery programme will continue to build on the opportunities for bespoke legislation that have come from leaving the EU. These will drive improved outcomes across Defra's portfolio.

Details on Defra's changes to its REUL will continue to be surfaced in the normal way as part of usual policy making, stakeholder engagement and consultation processes.

Announcements on the Department's future plans will also be included in the Government's six-monthly parliamentary report.

Decisions on future reforms and revocation have and will continue to be taken on the basis of the evidence, including how best to ensure our laws are tailored to the UK. This work is being driven by the principle that Defra will retain REUL by default unless there is a good reason to remove it, and, if legislation can be tailored to better fit the needs of the UK, Defra will reform it.

## **Council Regulation (EC) No 1420/1999**

**Question for clarification: Please can Defra explain why the UK government's decision differs from the EU's, which we understand has opted to keep both in force?**

**Response:** The European Commission has advised that Council Regulation (EC) No 1420/1999 of 29 April 1999 is effectively no longer applicable as it has been superseded by Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006. We therefore consider the UK Government's decision to repeal Council Regulation (EC) No 1420/1999 to be in alignment with the European Union's position.

**Council Regulation (EC) No 2018/1992**

**Question for clarification: Please can Defra clarify which UK legislation requires reporting of hydrofluorocarbon (HFCs) places on the market in the UK and in what form and to who this report is sent?**

**Response:** Article 19 of the retained Regulation 517/2014 on fluorinated greenhouse gases (the F-gas Regulation) sets the reporting requirement. The retained Implementing Regulation (EU) No 1191/2014 sets out details of the format and means of submitting required for the purposes of Article 19. In practice, reports are usually submitted in electronic format. Article 19 of GB F-gas Regulation states that reports must go to the “appropriate regulator”. For England, this is the Environment Agency. Scottish and Welsh Government have directed the Agency to perform the relevant Article 19 functions on their behalf too.

**Council Decision (EU) 2019/2135**

**Questions for clarification:**

**Please can Defra confirm that the UK government intends to:**

**(a) retain its current position as a Party to the Minamata Convention on Mercury**

**Response:** The UK Government intends to retain its current position as a Party to the Minamata Convention on Mercury. The UK already fulfils and exceeds all the measures mandated by the Minamata Convention, and this is implemented by the Mercury Regulations in Great Britain.

**(b) express its continued support for the phasing out of dental amalgam?**

**Response:** The UK Government remains committed to the phase down of dental amalgam in line with our respective country plans. Given our population demographics, it is extremely important that dental amalgam remains within our treatment armamentarium for the foreseeable future. This reflects our position following the fifth meeting of the Conference of the Parties to the Minamata Convention on Mercury.

Yours sincerely,



**LORD DOUGLAS-MILLER**