

## Recommended environmental improvements to the UK government's Brexit plans

February 2019

### Summary

Alongside the Brexit negotiations between the UK and EU, negotiations are happening within the UK. The Prime Minister and the Leader of the Opposition have both spoken about the potential for environmental improvements to the current plans, as have some parliamentarians.

Greener UK welcomes the intention to re-examine the environmental dimensions of Brexit, but believes that more must be done to secure stronger protections. In this note we set out how improvements could be made to the political declaration and related domestic law and policy. This includes expanding on the so-called "backstop" section of the Withdrawal Agreement, which already includes a mutual commitment to non-regression, a vital baseline that should also be reflected in domestic legislation.

Meanwhile, the prospect of a no-deal Brexit remains extremely concerning. As recent analysis by IEEP has concluded, "a closer relationship with the EU is likely to reduce the risks to UK environmental policymaking and environmental outcomes. There are significant environmental downsides to the 'no deal' option".<sup>1</sup>

We recommend the government take three further steps to protect the environment:

1. **Improve the political declaration**, in particular Paragraph 79 (see suggested changes to the text below, with the most important in bold).<sup>2</sup>
2. A commitment from the Prime Minister to **make the draft Environment Bill fit for purpose** by:
  - strengthening the independence and powers of the proposed Office for Environmental Protection, to create a world-leading environmental governance system in line with the government's stated ambitions;
  - widening the scope of the environmental principles and attaching more robust duties to them; and
  - introducing a framework for legally binding targets and effective spatial mapping.<sup>3</sup>
3. A commitment from the Prime Minister to **establish a trade policy, anchored in primary legislation**, that safeguards the environment, provides transparency, and gives parliament and civil society a voice in the negotiation of trade agreements.<sup>4</sup>

## Recommended changes to the political declaration text

The political declaration, which sets out the framework for the future relationship between the EU and the UK, contains some promising commitments for the environment and it is positive that the UK and EU have signalled a desire to work closely together. However, the language is vague and there are some worrying omissions. The political declaration should be strengthened so that the future EU-UK relationship:

- Aims for a high level of both environmental and social protection;
- Explicitly builds on the non-regression provisions in the backstop, including on enforcement and environmental principles;
- Incorporates a dynamic, co-operative and ambitious approach to regulatory protection for the environment, so that the UK at least keeps pace with the EU on environmental standards and in many cases aims higher; and
- Establishes a procedure so that citizens can request investigations into potential breaches of environmental standards in future.

We suggest the following changes to the text of the political declaration:

### Paragraph 24

“24. The Parties will also explore the possibility of cooperation of United Kingdom authorities with Union agencies such as the European Medicines Agency (EMA), the European Chemicals Agency (ECHA), **the European Environment Agency (EEA)**, and the European Aviation Safety Agency (EASA).”

### Paragraph 77

“77. The Parties recognise the importance of global **and regional** cooperation to address issues of shared economic, environmental and social interest. As such, while preserving their decision-making autonomy, the Parties should cooperate in international fora, such as the G7 and the G20, where it is in their mutual interest, including in the areas of:

- a) climate change;
- b) sustainable development;
- c) cross-border pollution;
- d) nature conservation and other transboundary issues;**
- e) public health and consumer protection;
- f) financial stability; and
- g) the fight against trade protectionism”

### Paragraph 79

“79. The future relationship must ensure open and fair competition **and a high level of environmental and social protection**. Provisions to ensure this should cover state aid, competition, social and employment standards, environmental standards, climate change, and relevant tax matters, building on the level playing field arrangements provided for in the Withdrawal Agreement and commensurate with

the overall economic relationship **and the level of protection provided for by the laws, regulations and practices applicable within the Union**. The Parties should consider the precise nature of commitments in relevant areas, having regard to the scope and depth of the future relationship, **and to the necessity of a dynamic, co-operative and ambitious approach to regulatory protection for the environment and social rights**. These commitments should combine ~~appropriate and relevant~~ Union and international standards, adequate mechanisms to ensure effective implementation domestically, **and enforcement and dispute settlement as part of the future relationship, with a citizens' complaints mechanism.**"

### **Include somewhere in the text**

"The Parties note that the Withdrawal Agreement does not preclude a closer relationship, including through a customs union, or through commitments to ambitious dynamic alignment of future legislation on the environment, social protection, and other matters."

*And*

"The UK commits to dynamic alignment with all chemical-related EU policies and regulations, including a wish to participate in the EU's REACH chemicals regulatory system, in a similar way to that of EEA countries such as Norway."

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## **GREENER UK**

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## Endnotes

<sup>1</sup> IEEP, February 2019, Environmental policy risks and opportunities of different outcomes from the Brexit negotiations <https://ieep.eu/publications/ieep-report-on-risks-and-opportunities-of-brexit-outcomes-no-deal-outcome-poses-the-worst-threats>

<sup>2</sup> Greener UK, January 2019, Parliamentary briefing ahead of the 'meaningful vote': analysis based on green benchmarks for Brexit (updated Jan 2019) [https://greeneruk.org/sites/default/files/download/2019-01/Greener\\_UK\\_meaningful\\_vote\\_January\\_.pdf](https://greeneruk.org/sites/default/files/download/2019-01/Greener_UK_meaningful_vote_January_.pdf)

<sup>3</sup> Greener UK, February 2019, Written evidence to the House of Commons Scrutiny of the draft Environment (Principles and Governance) Bill inquiry [https://greeneruk.org/sites/default/files/download/2019-02/GreenerUK\\_WrittenEvidence\\_DraftEnvBillEnquiry\\_Jan2019\\_0.pdf](https://greeneruk.org/sites/default/files/download/2019-02/GreenerUK_WrittenEvidence_DraftEnvBillEnquiry_Jan2019_0.pdf)

<sup>4</sup> Greener UK, January 2019, Committee stage of the Trade Bill: Briefing for Peers on amendments supported by Greener UK [https://greeneruk.org/sites/default/files/download/2019-01/Greener\\_UK\\_Trade\\_Bill\\_briefing\\_for\\_peers.pdf](https://greeneruk.org/sites/default/files/download/2019-01/Greener_UK_Trade_Bill_briefing_for_peers.pdf)