

Briefing for Commons Committee Stage of the EU (Withdrawal Agreement) Bill

7 January 2020

Amendments needed to protect environmental standards

The government has committed not to compromise on environmental standards as we leave the EU. It has also committed to legislate to ensure high standards of environmental protection.¹ This is welcome. A strong non-regression provision should, therefore, be incorporated in domestic law without delay. This will help ensure the maintenance of current UK environmental standards and protect current and future generations against any weakening of them.

Relationships that will guide and frame the future of the UK and its environment must be developed with meaningful public participation, democracy, accountability and scrutiny. This applies to the future UK-EU relationship and new trade agreements with other countries.

The return of the EU (Withdrawal Agreement) Bill is a timely opportunity for the government to signal its commitment to ensure high standards of environmental protection. The bill should be amended to demonstrate this intent to better protect environmental standards and to strengthen parliament's oversight role during the future relationship negotiations. Further legislative guarantees will be needed on these matters in due course to ensure that the environment and UK citizens' say in how it is protected are properly provided for after Brexit.

Greener UK supports the following amendments:

NC27: Non-regression from EU standards

This amendment will ensure that standards aimed at protecting people and the environment cannot be easily weakened as the UK leaves the EU. It prevents regression in environmental standards via secondary legislation or other acts by public authorities connected to EU withdrawal, and puts in place a 'statement of non-regression' process for primary legislation.

New clause 14B adds a procedural check – similar to that already carried out on new legislation in relation to the Human Rights Act – that requires government to either state that new legislation does not weaken environmental standards or, if it does, to explain why it does so and require explicit parliamentary approval of that regression. New clauses 14C to 14E prevent withdrawal from the EU being used as a route for lowering environmental standards by either secondary legislation or other public body action.

Lastly, new clause 14F ensures that new EU environmental law is reviewed by an expert independent body to track potential divergence. If any potential divergence is identified and not approved by parliament, then the government must commit to taking steps to rectify that divergence.

Together, these clauses will reduce the possibility that any changes to UK legislation made through Brexit will result in a less protected environment. However, further legislative guarantees for non-regression will still be needed to guard against the potential for future government action to result in negative environmental outcomes.

NC6: Parliamentary approval of the future relationship

This amendment gives MPs a meaningful vote on the UK-EU negotiating mandate prior to discussions commencing and on the final deal, as well as ensuring transparency during the negotiations. It would also see an independent body assess the proposed deal, including on the basis of environmental factors, with the opportunity for input from the devolved administrations and civil society, and public consultation.

These clauses will help to ensure parliament, the devolved administrations and civil society have a clear role in the next phase of the negotiations and support the meaningful scrutiny required for an effective, independent trade policy post Brexit.

Further information about this amendment is set out in a [briefing](#) by the Trade Justice Movement.

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Endnotes

¹ [Conservative Party manifesto](#), p. 5; p. 57.

Greener UK is a coalition of 13 major environmental organisations united in the belief that leaving the EU is a pivotal moment to restore and enhance the UK's environment.

GREENER UK

