



EU (Withdrawal) Bill

Department
for Exiting the
European Union

Factsheet 8: Environmental
principles

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Environmental Protections and the EU (Withdrawal) Bill

- The UK has a long history of environmental protection and we will not weaken environmental protections when we leave the EU. The Government is committed to being the first generation to leave the natural environment in a better state than we inherited it.
- As a part of this work, in January 2018 we published a comprehensive 25 Year Environment Plan that charts how we will improve our environment as we leave the European Union, tailoring it to the needs of our country.
- We will also uphold all our obligations under international environmental treaties.

Key facts

- The EU (Withdrawal) Bill will incorporate the existing body of EU environmental law into UK law, making sure the same protections have effect in the UK and laws still function effectively after the UK leaves the EU. This will provide businesses and stakeholders with maximum certainty as we leave the EU.
- Leaving the EU means we now have a unique opportunity to design a set of policies to drive environmental improvement with a powerful and permanent impact, tailored to the needs of our country.
- This will make sure we can create a healthy environment and strong economy – and delivering on our commitment to not only maintain but enhance environmental standards as we leave the EU.
- Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will be fully involved in ongoing negotiations of new European legislation. The Government has made clear that protecting our environment will form an important part of the EU exit negotiations.

Frequently Asked Questions

Will the UK continue to meet its international environmental commitments?

- The UK will continue to play an active role internationally as demonstrated by the UK ratifying the Paris Agreement on Climate Change. We will continue to uphold our obligations under international environmental treaties such as the Montreal and Gothenburg Protocols, the Stockholm Convention, the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species (CITES).

Will the Withdrawal Bill give government the power to change environmental laws without proper parliamentary scrutiny?

- The correcting power in the Bill can only be used to correct deficiencies arising from the UK's withdrawal from the EU.
- Parliament can debate any statutory instrument it chooses made under the Withdrawal Bill. The Government will publish an explanatory memorandum alongside statutory instruments to explain clearly what is being done and why.

Will the views of external stakeholders be taken into account during the negotiation process?

- Our ambition across Government is to work with the public and organisations right across the country to help us build our future plans for environmental protection. The Government has been engaging closely with the public, NGOs and industry, hearing from them how we should drive environmental protection and agriculture forward.

How will the government be held responsible for making sure it complies with its own environmental regulations?

- The UK has always had a strong legal framework for enforcing environmental protections and this will continue. This includes provisions for regulators to enforce our existing environmental regulations, and our system of judicial review and its body of public law that enables decisions and actions of public authorities to be challenged through the UK courts.
- However, some of the existing mechanisms which scrutinise the achievement of environmental targets and standards by Government will no longer exist in the UK. That is why the Department for Environment, Food and Rural Affairs launched a consultation on 10 May about the creation of a new, independent and statutory body to undertake scrutiny and provide advice in relation to environmental policy and law, investigate complaints and, if necessary, take action to bring about the proper delivery of environmental law by government.

Will the Withdrawal Bill, as currently drafted, preserve environmental principles in UK law?

- The Withdrawal Bill will preserve environmental principles where they are included in existing EU directly applicable environmental regulations and case law. For

example, the precautionary principle is included in the REACH Regulation (1907/2006). Similarly, EU case law on chemicals, waste and habitats, for example, includes judgments on the application of the precautionary principle to those areas. This will likewise be preserved by the Bill.

- However, although these principles are already central to government environmental policy, they are not set out in one place beside the EU treaties. That is why the Department for Environment, Food and Rural Affairs launched a consultation on 10 May about a new policy statement on environmental principles to apply post-EU Exit.
- This consultation explores the scope and content of a new statement on environmental principles and whether the environmental principles should be listed in the Environmental Principles and Governance Bill, in order to underline our commitment that environmental protection will be enhanced, not diluted, as we leave the EU.
- It will be a statutory requirement for government to have regard to the policy statement as it interprets the environmental principles.

“What is the significant of the amendment made by the House of Lords in this area?”

- We are disappointed that the House of Lords has voted for this amendment. The fundamental purpose of this Bill is to ensure we have a functioning statute book on exit day.
- Our 25 Year Environment Plan commits us to be the first generation to leave the environment in a better state than we inherited it. On the 10th of May, we launched a consultation on proposals which would ensure core environmental principles remain central to government decision-making and establish a new, independent body to hold government to account on environmental standards.
- We are considering the implications of this amendment.