



Department
for Exiting the
European Union

The Repeal Bill

Factsheet 8: Environmental protections

repeal-bill@dexeu.gov.uk

Environmental Protections and the EU (Withdrawal) Bill

- The UK has a long history of environmental protection and we will safeguard and improve on this record as we leave the EU. The Government is committed to be the first generation to leave the natural environment in a better state than we inherited it.
- As a part of this work, we will produce a comprehensive 25 Year Environment Plan that will chart how we will improve our environment as we leave the European Union and take control of our environmental legislation again.
- 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.
- This Government is committed to be the first generation to leave the natural environment in a better state than we inherited it. 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 EU (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 Repeal 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 renegotiation 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 target and standards by Government will no longer exist in the UK. That is why the Environment Secretary has announced his department's intention to consult on a new, independent and statutory body to hold government and potentially public authorities to account on environmental commitments once we've left the European Union.

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 Environment Secretary is proposing a consultation on a new policy statement on environmental principles to apply post-EU Exit.
- This consultation will explore the scope and content of a new statement on environmental principles in order to underline our commitment that environmental protection will be enhanced, not diluted, as we leave the EU.

Will the Government bring in an environmental protection bill?

- The UK's current legislative framework at national, EU and international level has delivered real environmental benefits. The EU (Withdrawal) Bill will ensure that existing EU environmental law continues to have effect in UK law.
- We will have the opportunity, over time, to ensure our legislative framework is outcome-driven and delivers on our overall commitment of improving the environment within a generation.

We have already made significant progress in improving our environment...

- Our rivers, beaches and air are cleaner than they were 50 years ago and household recycling levels have quadrupled in the last 15 years.
- Over the last five years, we have planted more than 11 million trees, including one million trees in our towns and cities.
- We have seen successful reintroductions of species such as red kites and increases in the populations of otters and bird species.
- Forty per cent of England's seas are within designated Marine Protected Areas which provide protection for important and vulnerable habitats and species.
- In England, over 60% of our most important habitats for wildlife are now in good condition or have management in place to restore their condition and we have established or started to restore over 100,000 hectares (c. 250,000 acres) of important habitats for wildlife, including field margins, wetlands and woodlands.
- We have reduced the total emissions of some of our most hazardous organic pollutants chemicals over the last 20 years by over 90%.
But we can go further. By returning power to the UK, we will have a unique opportunity to design a set of policies that drive environmental improvement, tailored to the needs of our country that has a powerful and permanent impact, and deliver on our commitment to leave the environment in a better state than we inherited it.