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# BREXIT IMPACT ON ENVIRONMENT POLICY

EUROPE ANALYTICA

WITH BREXIT, THE UK FINDS ITSELF AT A  
CROSSROADS. HERE WE EXPLORE  
POTENTIAL IMPLICATIONS FOR THE  
COUNTRY'S ENVIRONMENTAL POLICY

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## Europe Analytica: The impact of Brexit on UK Environment Policy

With the bulk of UK environmental legislation currently forged in Brussels, the UK's withdrawal from the European Union is certain to have a deep and lasting impact on the country's environmental policy. Complementing our wider [report](#) on the impact of Brexit, here we take a brief look at what Brexit means for UK environmental legislation.

The UK government's [White Paper](#) on its exit from, and new partnership with, the EU indicates that it aims to maintain EU law until such time as it has been reviewed and replaced with new UK legislation. This means that a substantial amount of EU environmental legislation will remain in force for the foreseeable future.

The White Paper states that UK climate action will continue as before and “continue to be underpinned” by national climate targets as set out in the Climate Change Act 2008 and five-yearly carbon budgets.

The White Paper also clarifies that existing targets and commitments established in EU legislation such as the Waste Framework, Packaging and Packaging Waste or Landfill Directives will continue to apply at least until the government has put in place alternative legislation to pursue a different course.

The Department of Environment, Food and Rural Affairs (Defra) has indicated in stakeholder meetings this would include adopting the Circular Economy proposals if they are to be implemented before the UK leaves the EU, expected in the first half of 2019. UK MEPs took part actively in the parliamentary debate on the proposals, and the UK looks set to continue to play an active role in negotiations over the EU's Circular Economy package, including in the Council.

Given Defra's stretched resources (the department has lost one third of its staff since 2010) and that some 80% of the department's work is “framed” by EU environmental legislation, the simplest option would be to keep EU policies until the last moment of British membership. Not least of their concerns will be the funding system for farmers that will replace the current Common Agricultural Policy. It may prove difficult to achieve the new trade agreements that UK ministers have spoken about, for example with the United States and Canada, whilst there is lack of clarity on support given to farmers.

Although significant parts of EU legislation will continue to apply post-Brexit, the UK will also begin to develop its own environmental policies moving forwards.

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## Brexit as an ‘opportunity’ for renewed focus on environment

One outcome of Brexit could be for the UK to increase its emphasis on environmental protection. Defra deputy Chris Preston said that the EU withdrawal presented a “unique opportunity” to drive up resource productivity and recycling targets in the UK. Earlier this year, the government outlined its approach in Defra’s 25-year plan for the natural environment. Brexit confers even greater importance to this plan as UK environmental legislation will no longer be agreed with and guided by the EU.

Several business groups and think tanks have recommended a change in approach which would improve environmental standards. The business group Environmental Industries Commission (EIC) argues in a [report](#) on waste collection after Brexit that EU withdrawal could be used as an opportunity to set new recycling targets up to 2025 and urges the government to review the separate collection provisions of the EU’s waste framework directive. The group namely questions whether the UK should continue with tonnage based targets. However, the EIC recommends that in the meantime the UK should continue with current EU environmental legislation.

Another recent [report](#) by think tank Policy Exchange recommends that the UK develop its own set of waste policies instead of adopting the EU’s Circular Economy Package, arguing this would impose an additional cost of £1.9 billion on UK businesses. It adds that it should promote a shift of emphasis on waste policy towards waste prevention and reuse, as well as recommending all UK Local Authorities move to one of the three standardised systems for the collection of waste and recycling.

### New flexibility in environmental targets

Brexit also opens up the possibility for Britain to reduce its targets and water down environmental legislation in some areas. Indeed, leaked documents from one of International Trade Secretary Liam Fox’s officials appear to suggest environmental protections could be de-emphasised in favour of trade. “Trade and growth are now priorities for all [diplomatic] posts ... economic security-related work like climate change and illegal wildlife trade will be scaled down” the document reads.

Furthermore, as reported by [Bloomberg](#) reported, the UK government is looking for ways to scrap its 2020 clean-energy targets while maintaining smooth cross-border trading of electricity. Erasing the target would allow the UK to avoid fines for non-compliance, placing it in a different position to other EU nations that maintain the targets as part of their membership of the region’s energy market.

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Any reduction in targets will be closely watched by European policy-makers, environmentalists and nature campaigners worried that existing legislation will no longer be enforced or updated.

The EU's main Brexit negotiator, Michel Barnier, has indicated that it may be difficult for the UK to reach a good deal on its future partnership with the EU if the UK intends to remove environmental protections. Barnier listed the environment, along with social, fiscal and consumer standards, as a key area over which the EU would remain vigilant in any future negotiations. He has ruled out on numerous occasions the “cherry picking” of EU legislation, namely selecting the parts perceived to be the most advantageous while leaving the most costly.

Meanwhile, the European Parliament's Environment Committee is pushing for an arbitration mechanism obliging the UK not to weaken current protection levels. They also suggest that any Brexit deal should include incentives for the UK to continue to coordinate with the rest of the EU over future legislation.

Nevertheless, it is unlikely the UK government will take action to significantly reduce its climate and conservation targets and commitments. As a 14 February report by the House of Lords' EU Energy and Environment Sub-Committee, 'Brexit: environment and climate change', makes clear, the UK's environment will remain inextricably linked to that of Europe after Brexit, so the UK and EU will continue to be affected by one another's climate and environment policies. The report also stressed that the Great Repeal Bill will help to achieve a degree of stability in the Brexit process but that the government will need to map out the EU acquis (the body of EU law enacted in the UK) and take action where the bill does not preserve environmental, legislative and policy stability.

Indications are that the government intends to adhere to standards at least comparable to those of the EU, such as those in the proposed Circular Economy Package. Theresa May's government has committed to ensuring this generation is the first to leave the environment in a better state than it found it in. Furthermore, attempts to significantly reduce its commitment to environmental protection would encounter considerable resistance both from UK citizens and the EU, with which the UK intends to have a deep trading relationship.

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