

Upholding environmental standards if there's no Brexit deal

Summary

How businesses and others regulated through environmental quality standards would be affected if the UK leaves the EU with no deal.

Detail

If the UK leaves the EU in March 2019 without a deal, find out how this would affect businesses and others regulated through environmental quality standards. These standards include areas such as waste, air quality, water, and protection of habitats and species.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

This notice sets out how the UK government will uphold environmental standards if the UK leaves the EU in March 2019 without a deal. These include standards in areas such as waste, air quality, water, and protection of habitats and species.

Before 29 March 2019

Human health and the environment is currently protected by a large body of existing EU environmental law covering areas including air quality, waste and resources, water, wildlife and habitats, chemical and pesticides.

Some of this legislation also delivers the UK's commitments under international environmental agreements such as the Nagoya Protocol, which aims to ensure benefits derived by users of genetic resources (of plant, animal, microbial or other origin) are shared with those providing them.

There is also a large body of domestic environmental legislation covering the UK, England, Scotland, Wales and Northern Ireland. This is monitored or enforced by bodies such as the Environment Agency or equivalents in devolved administrations, such as the Scottish Environment Protection Agency, Natural Resources Wales and the Northern Ireland Environment Agency, or by judicial systems within the UK.

After March 2019 if there's no deal

The UK government is committed to maintaining environmental standards after we leave the EU, and will continue to uphold international obligations through multilateral environmental agreements.

The EU Withdrawal Act 2018 will ensure all existing EU environmental law continues to operate in UK law, providing businesses and stakeholders with certainty as we leave the EU.

The UK government and devolved administrations will amend current legislation to correct references to EU legislation, transfer powers from EU institutions to domestic institutions and ensure we meet international agreement obligations.

The UK government will then have the opportunity, over time and with parliamentary scrutiny, to ensure the legislative framework for England (and environmental matters that

are not devolved) delivers our aim to be the first generation to leave the natural environment in a better state than we inherited it.

On 18 July 2018, the government announced it will bring forward the first Environment Bill in more than 20 years. The Bill will apply to England and reserved matters and will incorporate a range of issues, including clean air. It builds on the vision set out in the 25 Year Environment Plan to achieve a 'Green Brexit' and ensure the environment can be cleaner and greener for future generations.

The UK government will establish a new, independent statutory body to hold government to account on environmental standards in relation to England and reserved matters once we leave the EU, alongside a statutory statement of environmental principles to guide future government policy making.

We are considering what interim measures may be necessary in a no deal scenario after 29 March 2019 and before the Environment Act is passed and comes into effect.

The UK's legal framework for enforcing domestic environmental legislation by UK regulatory bodies or court systems is unaffected by leaving the EU and continues to apply. Environmental targets currently covered by EU legislation are already covered in domestic legislation. Permits and licences issued by UK regulatory bodies will continue to apply as now.

More information

Read more about [plans for an independent statutory body and Environment Bill](<https://www.gov.uk/government/news/new-environment-law-to-deliver-a-green-brexite>).

A number of technical notices cover specific areas of environmental legislation which may involve actions for businesses or citizens. These will be published over the coming weeks.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes

North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.