

Divergence in UK/EU environment policy



Institute for
European
Environmental
Policy UK



Snapshot: Policy & legislative news

From the UK:

- In Wales, the Environmental Protection (**Single-use Plastic Products**) (Wales) Act 2023 was given royal assent in early June 2023. This complements, and catches up with, similar (but not the same!) bans in other nations of the UK and the EU. However, as [IEEP UK reported on in 2022](#), the Welsh SUP ban goes further because of the outright ban on plastic carrier bags.
- The final version of the Welsh **Agriculture Bill** will land at the same time on the King's desk for signature as it too is now ready for Royal Assent. Look out for IEEP UK's comparative analysis later this year!
- In Scotland, a **deposit return scheme** due to come into force in March 2024 will be delayed due to Westminster concerns about its impact on the UK internal market.
- In England a [consultation](#) proposes the 'near elimination of **biodegradable waste** to landfill from 2028'.
- A ban on **peat** in the retail horticultural sector had been announced by the Government in 2022 and due to come in to force in 2024 however this has [now been pushed back](#) and a phased ban will begin in 2026 with a complete ban in 2030. There is no similar ban in the EU (though some individual member states are making progress in this area), meaning that the UK's ambition, if not in practical implementation is currently leading the way on this issue.

In focus:

It has been a bumpy ride for the EU's proposed Nature Restoration Law (NRL) and the outcome remains uncertain.

As a centre piece of the EU's flagship 'European Green Deal' and to implement promises made in Montreal at COP15 which set a headline target to reduce, halt and reverse biodiversity loss, the NRL establishes an overarching objective and requirement for EU member states to put in place restoration measures covering at least 20% of the EU's sea and land areas by 2030 and all ecosystems in need of restoration by 2050.

High drama culminated in the ENVI (environment) committee failing to agree on an amended text with bitter wrangling over many elements of the proposal across the political divide. European Parliament's Plenary meeting in mid July will be one to watch!

See [IEEP UK's blog](#) for details!

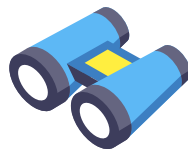
From the EU:

Over the last several months, the European Commission has published several new legislative initiatives which may or may not open up legal and policy divergence with the UK.



- Two headline legislative acts were *proposed* in March 2023 partly in response to the US Inflation Reduction Act. First the '[Net Zero Industry Act](#)' (which builds on the [Green Deal Industrial Plan](#)) which aims to lower administrative burdens (e.g., change permitting processes) for net zero manufacturing projects, change public procurement procedures, facilitate carbon capture and storage projects and enhance skills in the labour market. The second is a '[Critical Raw Materials Act](#)' which is aimed at de-risking supply disruptions to critical raw materials such as rare earth and precious metals that are used in everything from batteries to smartphones and satellites and military equipment.
- A proposal on [Ship-source pollution](#) would introduce penalties for pollution offences from ships. A water related legislative initiative concerns a new regulation on [detergents and surfactants](#) focusing on improving labelling, setting biodegradability requirements and phosphorous limits. Specific rules around 'greenwashing' is the focus of a new [Green Claims Directive](#) proposal and complements the proposed changes to the [Unfair Commercial Practices Directive](#). On transport, the EU is amending a regulation to strengthen [CO₂ emission performance standards for new heavy-duty vehicles](#) as well as integrating new reporting obligations. And finally, in the waste area, an amendment to the [waste electrical and electronic equipment \(WEEE\) directive](#) has been proposed to tackle several deficiencies including as a result of a European Court of Justice decision relating to Article 13(1) of the 2012 directive.

Key initiatives to watch out for...



- In the coming days (expected 05 July), proposals for an EU Soil Health Law, a regulation on new genomic techniques, legislation on seeds and other plant and forest reproductive material are expected. We will be reviewing the details of these in the next newsletter examining them for potential divergence with UK policy.
- A [Social Climate Fund](#), designed to provide funding for households and small businesses to implement changes such as solar panels and wind turbines, energy efficiency improvements and heat pumps has passed through hurdles in the European Parliament. It is funded by receipts from the Emissions Trading Scheme. There is no equivalent on the UK side and would open up a clear ocean of policy divergence between the UK and EU in thinking about how to help fund low carbon transition. We will examine this further in future editions of the newsletter.

On the horizon



A Commission proposal on a framework EU [Sustainable Food Systems](#) law is widely expected in the autumn of 2023. As a key plank of the *Farm to Fork* strategy, it is expected to introduce consumption and demand side policies and establish formal objectives and principles on which policy can be based. However, it is not clear yet how far new policies will go. Early indications that it will establish a set of minimum sustainability requirements, possibly based on the 'do no significant harm' principle, are now in doubt. This follows push back on regulatory measures, especially those affecting agriculture and the food system, led by the European People's Party (see 'In focus' above). Provisions that introduce a "voluntary harmonised sustainability label" for food and encourage the use of public procurement policies to promote more sustainable foods are still expected to be part of the law when it appears. There will not be sufficient time to take the proposal through the EU decision making process before this Commission's term ends so it will be an early test of how the next Commission and European Parliament approach legislation conceived within the *Farm to Fork* framework in the new political conditions that emerge after the 2024 European elections.

The Institute for European Environmental Policy UK (IEEP UK) is a sustainability think tank, with over 40 years of experience. As part of the broader IEEP family, we are committed to advancing evidence-based research, analysis and policy insights in the UK and its interaction with policy in the EU and globally.

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