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## IEEP UK Divergence Newsletter

Newsletter #6

12 March 2024

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# What's happened this month?

When IEEP UK started out tracking and analysing EU/UK and intra-UK divergence in environmental policy in 2021 we always thought that there was going to be a lot of policy and legal divergence coming down the track – and so it has come to pass.

The Green Deal has turbo-charged the EU's legislative drive and a distinctly less ambitious move forward on the UK side has generated much of this divergence. The last few months before the European Parliament will see a large number of initiatives coming to a head and we will cover those developments in the next issue. Our state of play report and webinar below summarise where we are now.

One of the key planks of the Green Deal coming to a close in the next month or so is the revision of the Urban Waste Water Treatment Directive. Our report on sewage is a must read! And finally a shout out to ChemTrust and WRAP whose divergence related work add to the growing volume of studies in this area.

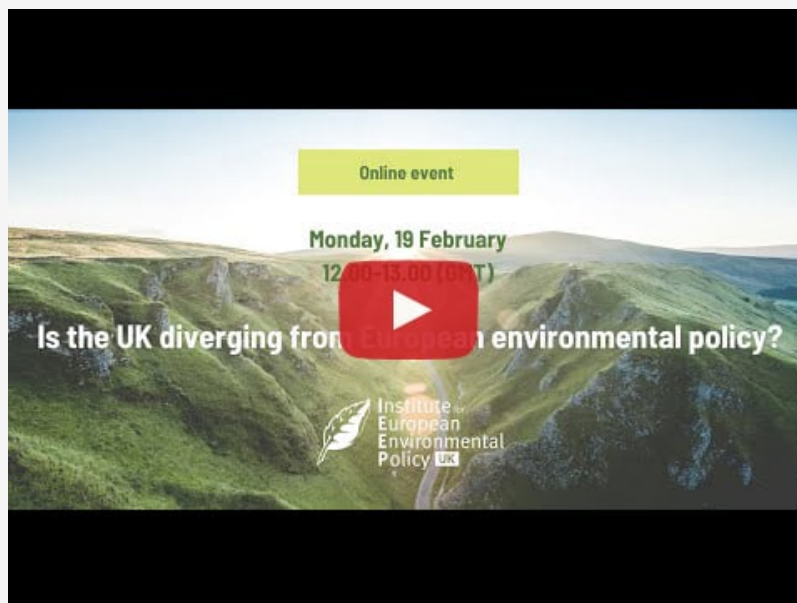
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## 💡 In case you missed it! 💡

On 19 February, IEEP UK hosted a webinar to discuss our latest briefing: "[Divergence in UK-EU environmental policy: State of Play \(February 2024\)](#)", which has revealed increasing incidences of divergence in environmental policy over the last two years between the EU, the UK and devolved nations, some of which threaten to be consequential in their impact.

The event covered important topics, including future areas of potential divergence, the case for dynamic alignment, the potential for different approaches post-election, and calls for more open transparency and reasoning behind decisions to either diverge or align.

Find a [full recap of the event on our website](#), or click below to watch the full recording of the webinar 🖱️





### **"Sewage Discharges: Interaction between UK and EU Law continues post-Brexit"**

There has been much concern about the discharge of untreated sewage in the UK, including both the extent of use of stormwater overflows (SWOs) when there is excessive rainfall, but also the discharge of untreated sewage when there has been low or no rainfall.

Nigel Haigh, Honorary Fellow at IEEP UK, and Andrew Farmer, Senior Fellow at IEEP, assess whether instances of sewage discharges in England are in breach of UK laws inherited from the EU. This paper also deals with the question of whether UK and EU law is likely to diverge and its implications.

[Read the full briefing on our website.](#)

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### **IEEP ex-Directors appointed to the OEP college of experts**

Kaley Hart and Nigel Haigh OBE have been appointed as expert members to advise the [Office for Environmental Protection](#).

[Nigel Haigh](#), honorary fellow at IEEP UK, and Executive Director of IEEP from 1980 to 1998, commented:

*"I have long been interested in the way British environmental policy has evolved, and the creation of the OEP is a significant new step. It could even provide ideas for other countries that also struggle to ensure that environmental legislation is properly implemented. It is intriguing that it has been the UK's*

*departure from the EU that provided the spur for its creation: OEP is a rare 'Brexit benefit'. I suspect I will learn more from my involvement with OEP than I will contribute."*

[Kaley Hart](#), current Associate Research Director at IEEP AISBL, and Executive Director at IEEP UK until mid-2023, commented:

*"I'm honoured to have this opportunity to bring my experience and expertise to support the OEP in its important mission to protect and improve the environment by holding government and other public authorities to account based on evidence-based decision-making."*

The College of Experts is made up of over 50 experts from the natural, economic, social science, and environmental law research communities. The role is voluntary and will include identifying priorities and knowledge gaps, providing expert input on environmental issues and emerging future challenges, and working as a reviewer for the development and outputs of relevant projects.

## EU agrees new 'right to repair' rules

The EU reached [political agreement](#) on 2<sup>nd</sup> February on the Right to Repair Directive. The new law will establish obligations for manufacturers to repair common household products including washing machines, vacuum cleaners and mobile phones, both within and beyond the legal guarantee. It is anticipated that the list of products will be extended in future through secondary eco-design regulations. The directive also introduces new obligations on producers to ensure access to spare parts and tools for independent repairers, remanufacturers, refurbishers and end-users.

The UK introduced a right to repair law in July 2021, however the list of products included is more limited than that set out in the new EU Directive and does not include mobile phones or computers.

[Read more on what this means for the UK on our website.](#)

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## From the Divergence Hub

## **ChemTrust reviews UK REACH shortfalls since Brexit**

Last week, the UK chemicals regulator (the Health & Safety Executive) published the UK REACH [work programme for 2023-4](#) with just a few weeks left to run of the period it covers. It marks over 3 years since the UK left the EU chemicals management system (EU REACH) and established UK REACH as an independent, standalone system for regulating chemicals.

While the UK's regulation of chemicals stands still, the EU continues to make progress (albeit slowly) in banning harmful chemicals and controlling pollution at source. The UK system is also being eroded by a weakening of its chemical safety rules and processes. This may result not only in the dumping of products that no longer meet higher EU standards on the UK market, but also the potential for the UK to manufacture chemicals and products containing chemicals that the EU has restricted for being too harmful. An accompanying [briefing](#) sets out the information below in more detail.

[Read more of ChemTrust's analysis here.](#)

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## **New WRAP report looks into the proliferation of Extended Producer Responsibility systems in the textile industry**

WRAP has produced a new summary status report on the proliferation of the Extended Producer Responsibility (EPR) systems for the textile waste stream, arguing why this is a welcome step to help reduce the textile industry's annual waste levels and carbon footprint.

Textiles have a significant environmental impact. 8%-10% of global greenhouse gas emissions come from clothing and footwear. The EU generates 12.6 million tonnes of textile waste per year. In the UK, 23 million garments are sent to landfill or incinerated each year, generating 750,000 tonnes of CO<sub>2</sub> emissions. Whilst textiles have a significant environmental impact, Extended Producer Responsibility (EPR) systems have been relatively uncommon for this waste stream, with the majority of EPR systems worldwide being for the electronics waste stream making up 35% of all systems.

It is expected that the number of EPR systems for textiles will rapidly change during the next decade. This status report is designed to provide a summary of why EPR systems for textiles are needed worldwide and the proliferation of active or emerging Textiles EPR systems.

[Read WRAP's full report here.](#)

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For more information, please check IEEP UK's website [here](#)

This newsletter is part of IEEP UK's 'Divergence Project' dedicated to tracking and reporting shifts in environmental policy happening in the UK and EU, assessing the degree of alignment or divergence between them, and analysing the potential impacts for the environment and climate as a result.

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