

DIVERGENCE IN UK/EU ENVIRONMENTAL POLICY STATE OF PLAY 2025



About us

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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Citation

Nicholson, M., Orme, H., Tomlinson, H. and Worsdell, E. (August 2025) *Divergence in UK/EU Environmental Policy: State of Play 2025*, Institute for European Environmental Policy UK.

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Acknowledgements

With thanks to the following for their reviews of and comments on this report:

Chloe Alexander (CHEM Trust), Lloyd Austin, David Baldock (IEEP UK Fellow), Kirsten Carter (RSPB), Josie Cohen (Pesticide Action Network UK), Marie Colombier (Environmental Justice Foundation), Andrew Farmer (IEEP UK Associate), Dr Viviane Gravey (Queens University Belfast), Nigel Haigh OBE (IEEP UK Fellow), Kaleem Luthra (Environmental Justice Foundation), Nick Mole (Pesticide Action Network UK), Ludivine Petetin (Cardiff University), Ben Reynolds (IEEP UK).

We would like to thank Esmee Fairbairn Foundation, Impact on Urban Health and Waterloo Foundation for their generous support for this work.

Images

p14, Randy Fath; p21, Adobe Stock; p27, National Cancer Institute; p31, John Cameron; p41, Nicholas Doherty; p49, Tanya Barrow; p56, Ruben Hanssen; p62, Valentina Fischer; p65 Trevor Pye.
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FOREWORD

Leaving the EU was a seismic shift for the UK – resulting in rifts that posed risks, but also offered opportunities for the UK to increase its ambition. Environmental policy was one area in which Brexit touted benefits for the UK.

Five years after Brexit, the upheaval is settling and the changed landscape is becoming clear. As the chair of the Environmental Audit Committee, we are keenly scrutinising the Government's plans and policies in the wake of leaving the EU. This report provides a timely and insightful overview into the state of environmental policy in the UK and EU.

Despite some areas in which the UK has actively and positively diverged from EU policy, for example the UK Government's decision to protect sandeels in the North Sea, these instances are relatively rare. For the most part, the UK has fallen behind on environmental and climate policy on circular economy, toxic chemicals such as PFAS, and deforestation.

The risk of regression also remains. The Planning and Infrastructure Bill, which the Office for Environmental Protection has stated amounts to a regression in environmental law, is currently progressing through Lords stages. In its current form, it would undermine well-established nature protection laws.

Looking ahead, the divergence in environmental policy between the UK and EU will likely continue to widen. I hope this report helps identify the risks in this growing gap, as well as the opportunities to increase and ultimately align ambition in environment and climate policy.



TOBY PERKINS MP
CHAIR OF THE ENVIRONMENTAL
AUDIT COMMITTEE



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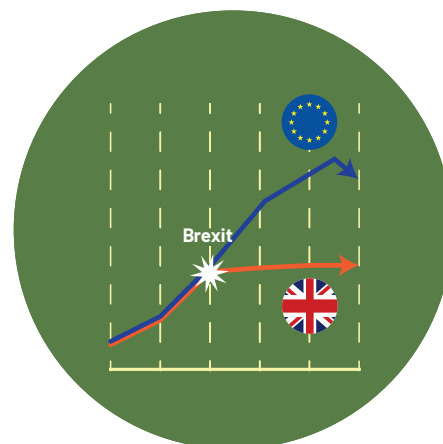
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Key messages

The UK has fallen behind

Five years after Brexit, **the UK has been outpaced by the EU** in strengthening its environment and climate related laws and policies. In short, the UK has fallen behind in a number of areas and chosen not to keep pace. The UK has mainly 'diverged by default'.



Common Rulebook divergence



The **common 'rulebook' on environment and climate policy** that the EU and UK once shared up to the point of Brexit in 2020 **has been significantly amended by the EU**. The EU has tightened up existing laws (the ones UK shared with the EU when a member) but has gone further by creating altogether new laws in a range of areas which deliver higher standards and protections for the environment and climate such as on circular economy, industrial emissions and urban wastewater treatment and deforestation. Many of these are coming into effect over the next few years which will widen the divergence gap from where it is now.

Economic growth takes priority

Looking ahead, however, the overall picture is becoming less predictable and mixed. Both the EU and UK are **preoccupied with economic growth**. This has often and unnecessarily been translated into 'regulation = bad' and 'environmental protections = blocking economic growth'. **This narrative threatens positive and progressive actions** taken by governments of all colours on both sides of the channel over the recent years. **The two are not mutually exclusive** and economic growth is, in many sectors, driven by the green agenda and is reliant on a thriving natural environment.





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Sandeel protection in UK waters: a major win

However, there are some bright spots, most notably the UK and Scottish Governments' decision to protect sandeels. This is a **major win for the environment**, and a relatively rare example of the **UK Government actively diverging from the EU** but using its post-Brexit independent policy making powers in a progressive way.

Brexit hasn't yet translated into a widespread weakening of environmental laws

The UK has not, by and large, regressed from the levels of environmental protection that were in place in 2020. In other words, **the UK does not, broadly speaking, have weaker laws than were in place when it left the EU**. However, the **spectre of regression hangs heavy**. The current version of the UK Government's Planning and Infrastructure Bill is a major threat that would undermine well established nature protection laws. Unlike the sandeels case, this would be like using post-Brexit independent policy making powers to move in the wrong direction.



Pragmatic and constructive relations between UK/EU

The relatively recent **return to pragmatic and constructive relations** between the EU & UK are a **welcome move** towards easing tensions and potentially reducing unnecessary levels of divergence in environment and climate policy. Building on the most recent example, the UK-EU Reset, both parties should now go farther and faster.



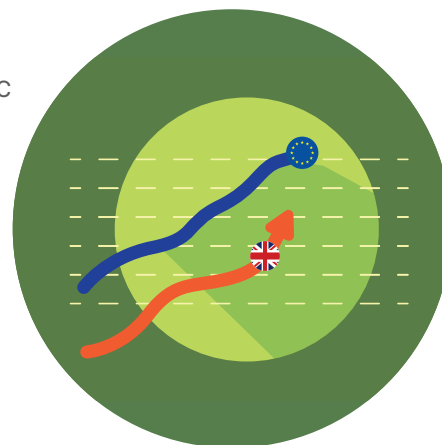
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Recommendations

1 UK alignment with higher EU standards

With the UK **seeking to remove trade barriers** to aid economic growth, there is an **opportunity for higher UK environmental standards**, most notably through alignment on **product standards, chemicals**, several aspects of **circular economy policy** and **deforestation regulation**. There are also other areas where we would like to see **greater ambition from the UK** to 'catch up' and ideally **overtake** the EU, most notably around **air, water quality, industrial emissions** and **nature restoration** policy.



2 Scientific and technical collaboration

The UK and EU should remember that **many environmental issues are transboundary** – the environment knows no borders. A solid first step to **tackling shared problems** is ensuring both sides **agree on what data and information is telling us** about the state of the environment. To this end, the UK should **rejoin the European Environment Agency and Eionet**.

3 Increased cooperation on international environmental issues

The UK should **increase the priority given to cooperation** on international environmental issues, including joint positions and sharing longer term perspectives and plans, for example at global COP meetings. Working through existing forums, set up for example through the Trade and Cooperation Agreement, is helpful but **more frequent exchanges of information are required** and a further loosening of the operational constraints between officials working on policy files would help.





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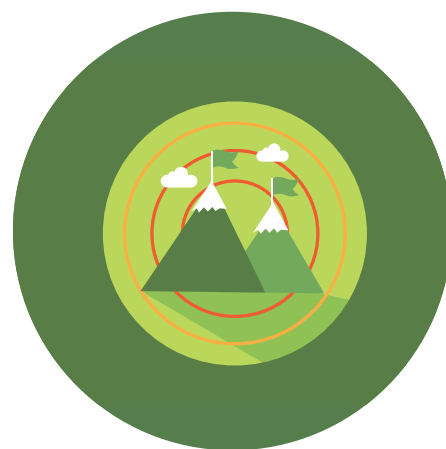


4 Learning goes both ways

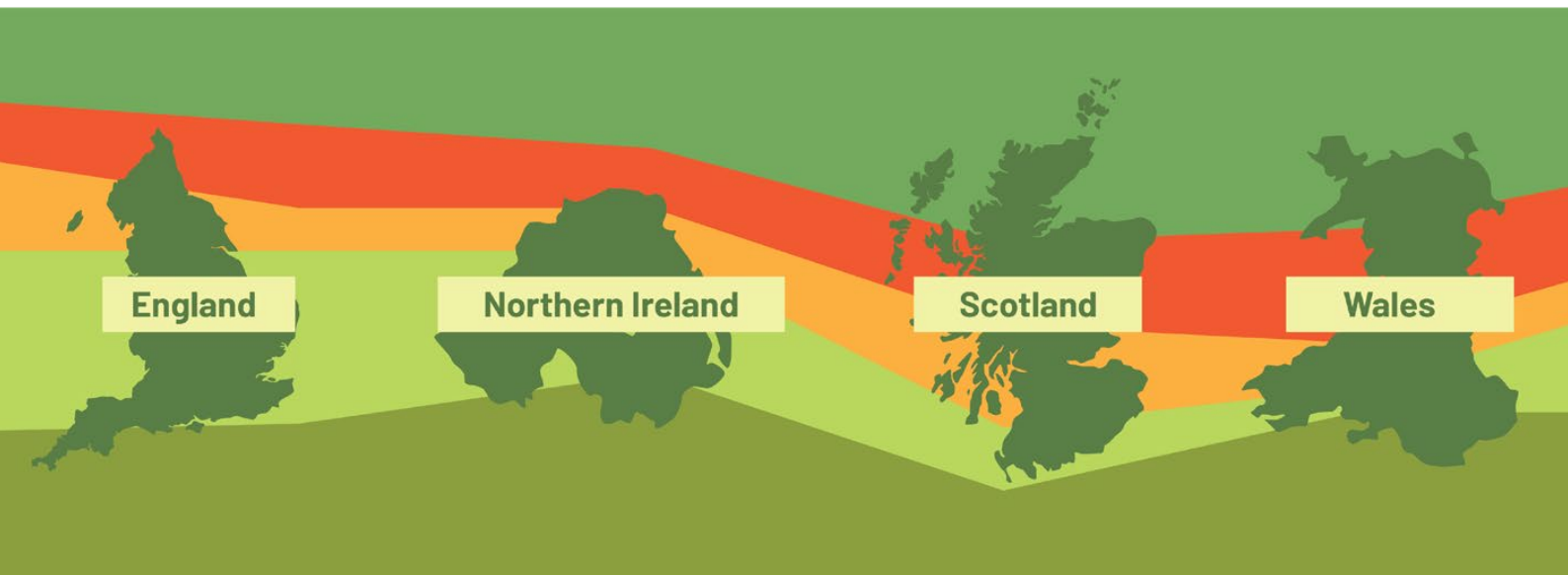
The EU should continue to learn from the UK, which has **enormous experience in formulating and applying progressive environmental policies**. Various aspects of recent **agriculture** and **biodiversity** policy (e.g. Environmental Land Management Schemes and Biodiversity Net Gain) as well as marine policy (e.g. marine protected areas and protection of sandeels) are good starters.

5 Higher overall levels of ambition

Whilst our report's conclusions relate to **levels of regulatory divergence**, our recommendations are not for blanket alignment for the sake of it. UK alignment with unambitious, ineffective EU policy – or indeed reversals – would be of no benefit to the environment. Equally, **we need policies that match the scale of action that is required** to tackle **severe land** and **marine degradation**, **habitat** and **species loss** and **achieve our net zero targets**. The UK should aim high and re-take the lead in all areas of environmental policy and in doing so inspire a '**race to the top**'.



INTRODUCTION



It has now been more than five years since the United Kingdom left the European Union. For some, this provided the opportunity to deliberately move away or ‘diverge’ from environmental rules largely set by the EU – with the UK’s active involvement. Yet for better or worse, large-scale change driven by the UK and devolved administrations across all areas of environmental policy has not materialised. Rather, the EU has taken the rulebook that both the EU & UK shared up to 2020 and built on it. It has amended and revised that rulebook by tightening up and strengthening some of those environmental rules that we both once shared and created tougher new environmental laws. The UK has chosen, in large part, not to keep pace with the EU in improving and strengthening those environmental rules.

There are nuances and there is complexity in this picture, more so, five years after Brexit. But, in short, the UK has fallen behind.

Contrary to popular belief, however, the UK has not on the whole *regressed* from the levels of environmental protection that were in place in 2020. Some may be disappointed that the opportunity to deliberately diverge from EU environmental rules and reduce the levels of environmental protection below where they stood in 2020 have not been taken, perhaps with a view to create a *Singapore-on-Thames* style business environment with less red (or green) tape. There have been and are still threats of regression, but this has not yet come to pass.¹

There is some cause for optimism for environment and climate policy in the UK too. Successive Westminster and devolved administrations have made some notable and commendable policy and legislative progress, most amply demonstrated by the closure of UK waters to

¹ One exception to this, although arguably it is relatively small, is the removal of Articles 9 and 10 of the National Emissions Ceiling Regulations, themselves derived from the 2016 Directive on National Emissions Ceilings for certain atmospheric pollutants.

sandeel fisheries in the North Sea.² And while this has taken place, there has been a noticeable slowdown in the EU in implementing previously agreed rules and dampening down the high level of ambition in climate and environment policy particularly since the European Parliament elections in 2024. Indeed, deregulatory drives, or ‘simplification’ initiatives which are currently in vogue in the EU, have also emerged in the UK.

The warming of UK-EU relations generally, from Prime Minister Sunak’s Government onwards and to the recent ‘UK-EU Reset’, has led to a distinctly more pragmatic and constructive conversation including around environment and climate policy. Serious discussion for example on the viability of dynamic alignment, or at the least a more pragmatic view that accepting a greater alignment in rules may be necessary for greater trade access, is a significant development. It is also a sign of a more realistic acceptance that a strong middling geo-political power on the edge of the European landmass and a large economic, trading bloc will need to work together to secure a more prosperous and shared environment.

The European Union

The European Green Deal Juggernaut to the Cutting of Red-Tape

The European Green Deal (EGD)³ has been extraordinary in its breadth and depth despite ongoing challenges in its implementation.⁴ Few other individual five-year Commission mandates have seen as many environment and climate measures passed in a single term. As Commission President Ursula Von Der Leyen’s flagship policy in her first term in office, it set the overall direction and tone for all of the work that her Commission did and in no small part steered the EU’s overall agenda towards a cleaner, greener future. This strategic approach drove the EU’s legislative agenda and that the beginnings of the EGD (2019-24) coincided broadly speaking with the UK leaving the EU (2020) has meant that divergence in environment and climate policy has been marked.

This EU-led or EU-initiated divergence has meant that there has been ‘divergence by default’.⁵ In other words, the UK has not kept pace with the EU and perhaps this is hardly surprising given the sheer scale of the EU legislation-making juggernaut in this time period.

Having said this, however, 2024 marked a distinct shift or change of tone by the European Commission and in Von Der Leyen, helped not least by changed political dynamics in the

2 Scotland have closed all of their waters to sandeel fisheries whilst England have closed their North Sea waters to sandeel fisheries. Other examples of notable and commendable progress include the Environment Act (2021) with the inclusion of binding targets on particulate matter and species abundance, the Circular Economy (Scotland) Act 2024 and Environment (Air Quality and Soundscapes) (Wales) Act 2024.

3 European Commission, European Green Deal, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en

4 Joint Research Centre (2025) ‘Delivering the European Green Deal: JRC study finds mixed progress so far’, 5 February, https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/delivering-european-green-deal-jrc-study-finds-mixed-progress-so-far-2025-02-05_en (accessed 14 July 2025)

5 Some term this as ‘passive’ divergence but we retain the term used in our early work on environmental divergence, see: Baldock D. and Nicholson M. (2022) Divergence of environmental policy post Brexit: Initial reflections, IEEP UK, <https://ieep.uk/publications/divergence-in-environmental-policy-post-brex-it-some-initial-reflections/>

Member States (including the rise of far-right parties who generally speaking take anti-Net Zero stances) and a different kaleidoscope of MEPs making up the European Parliament after the June elections. The refusal to pass a Commission proposal for a regulation on pesticide use and severely weakening a major legislative development on nature protection⁶ are good examples of this 'muscle flexing'.

Though an outright anti-Green Deal European Parliament has not emerged, there is still a sizeable caucus of MEPs determined to push back against the implementation of previously agreed laws and new climate and environment measures. Manfred Weber,⁷ a key leader in the European Parliament, is now for example openly questioning the wisdom of key climate policies such as the phase out date for internal combustion engine (e.g. in cars), leading to a potential breakdown of the net zero 'consensus' amongst mainstream political parties.

It has also prompted Commission President Ursula Von der Leyen to downplay the flagship European Green Deal (EGD) policy which epitomised her first term in office and instead emphasise instead one of industrial competitiveness⁸ as put forwards by the Draghi report,⁹ in her second term.¹⁰ The European Commission's communication teams are at pains to stress that the EGD is still alive and it is now simply about implementing those policies. Though there is undoubtedly some truth in this, it would be churlish to think that whatever real or perceived 'green-lash' there has been, has not affected or prompted the [not so] subtle change in language and policy direction.

The ensuing Omnibus¹¹ package of reforms would delay implementation of recently passed laws and aim to reduce what is considered to be 'green reporting'. The laws in scope are the Corporate Sustainability Reporting Directive, the Corporate Sustainability Due Diligence Directive, Carbon Border Adjustment Mechanism, and the EU Taxonomy. It also comes on the back of delays to implementation of other key environmental laws such as on deforestation where rules to tackle the destruction of forests around the world has been delayed by the European Commission under pressure from multiple interest groups both inside and outside of Europe.

6 CAN Europe (2024) Nature Restoration Law: Essential Progress in Biodiversity and Climate Action - Implementation will be Key, <https://caneurope.org/content/uploads/2024/09/Nature-Restoration-Law-Essential-Progress-in-Biodiversity-and-Climate-Action-Implementation-will-be-key-v2-1.pdf>

7 Weber is a German MEP and the leader of the centre-right European People's Party, the largest party in the Parliament.

8 European Commission (2025) 'An EU Compass to regain competitiveness and secure sustainable prosperity', Press Release, 29 January, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_339 (accessed 18 February 2025)

9 Draghi, M. (2024) The Draghi report on EU competitiveness, https://commission.europa.eu/topics/eu-competitiveness/draghi-report_en

10 Noting of course parallels between the EU's Clean Industrial Deal and the UK Industrial Strategy: <https://www.gov.uk/government/publications/industrial-strategy>

11 European Commission, Omnibus I, https://commission.europa.eu/publications/omnibus-i_en

The United Kingdom Ups, Downs and Going for Growth

In the UK, the formation of a new government in Westminster with a seemingly clear list of priorities¹² for the environment and a goal to ‘make Britain a clean energy superpower’, has helped to provide some clarity about the direction of travel for environment and climate policy making to 2030, a key international milestone year.¹³ However, this will not fundamentally alter the overall picture in terms of legislative divergence in UK-EU climate and environmental policy if current plans are followed.

Indeed, there has been no prevailing policy by any UK Government on how it wishes to tackle or at least manage divergence or its effects on policy – environmental, climate or otherwise. A possible exception to this is in Scotland, where policy is to remain aligned with EU law “where it is possible and meaningful to do so”¹⁴ despite research for the Scottish Parliament highlighting that the gap in legislative divergence is growing, including on the environment.¹⁵

That there has been no formal, published UK Government strategy on how to mitigate or avoid the impacts of regulatory divergence, where for example environment and climate policy intersect with trade and implications for the British economy and business, is perhaps not surprising given the bruising Brexit wars in Parliament.

Yet, despite no overarching public strategy, there is some evidence of the UK deciding to selectively align policy in a small number of specific cases since Brexit with that of the EU. The current Government’s Product and Metrology Bill, if passed, would certainly provide the opportunity to align with changing environmental product standard rules. However, avoidance of impending duties levied on UK businesses as a result of the EU’s Carbon Border Adjustment Mechanism (CBAM) was arguably the chief motivator for the last UK Government in announcing that the UK would implement its own version of a CBAM (and thus fall into line with the EU CBAM and likely avoid duties of approximately £800 million)¹⁶ and extension of the UK’s Emissions Trading Scheme to include aviation and shipping emissions.

Unlike in the CBAM case, there was no such apparent trade related impetus (i.e. to avoid an impending levy by the EU on UK businesses) behind more progressive environmental policy

12 Steve Reed MP (2024) ‘It is a huge honour that @Keir_Starmer appointed me Secretary of State for the Environment, Food and Rural Affairs’ [Post on X, formerly Twitter], 10 July, <https://x.com/SteveReedMP/status/1811006827410145582> (accessed 14 July 2025)

13 The UN’s Global Biodiversity framework ‘30x30’ initiative to protect at least 30% of land and ocean by 2030 is significant, as is the UN’s Sustainable Development Goal agenda which sets that year as a key target. Both of which the UK has committed to achieving. The UK’s climate target for 2030 is to reduce emissions by 68% compared to a 1990 baseline.

14 Angus Robertson MSP (2025) Third Bi-annual Scottish Government REUL Act Update sent to Clare Adamson MSP [Letter], 7 February, <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/correspondence/2025/third-biannual-reul-act-report-letter-to-ceeac-convener-february-2025.pdf>

15 Whitten, L. C. (2025) EU Law Tracker: A Report for the Constitution, Europe, External Affairs and Culture Committee, <https://www.parliament.scot/-/media/files/committees/constitution-europe-external-affairs-and-culture-committee/eu-law-tracker-report-4.pdf>

16 London School of Economics (2021) What does an EU Carbon Border Adjustment Mechanism mean for the UK?, https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/04/What-does-an-EU-Carbon-Border-Adjustment-Mechanism-mean-for-the-UK_SUMMARY.pdf

making when the UK and Scottish Governments opted to close UK waters to all vessels fishing for sandeels¹⁷ or to ban the trade in shark fins.¹⁸

However successive UK Governments more recently have portrayed nature protection rules specifically as a leading cause behind planning restrictions and thus a lack of economic growth. The simplification agenda being wrought by the European Commission, reads across in part also to the UK.

An attempt by the last UK Government to amend nutrient neutrality rules which it claimed were preventing the building of 100,000 homes mostly in the south of England was defeated in Parliament but only after a significant intervention by The Office for Environmental Protection (OEP) which stated this would be a regression on existing environmental law.¹⁹ Similarly, the current UK Government's proposal for a Planning and Infrastructure Bill has also been labelled as a regression by the OEP arguing that elements would undermine UK regulations derived principally from the Habitats Directive.²⁰ At the time of writing though, there does not appear to be any change of course being taken by the Government despite suggestions from the OEP on ways around this.

Though the Retained EU Law Act saga²¹ appears largely dormant, the language of “build baby build”,²² the fight between the ‘builders and the blockers’,²³ and against newts and bats²⁴ has replaced the REUL drama under the last Government and risks obscuring the positive and progressive actions being taken by the UK Government on environment and climate.

It also seems to suggest that the UK is not just falling further behind the EU in environmental policy but may have decided it is willing to actively go backwards at least with regard to nature protection – a sort of ‘divergence by design’. Where this impinges upon or potentially affects trade and investment, the EU may have cause for concern.²⁵ At the time of writing though, these fears have yet to come to pass.

17 IEEP UK (2025) 'Landmark ruling on sandeels announced', 06 May, <https://ieep.uk/news/news-landmark-ruling-on-sandeels/> (accessed 14 July 2025)

18 Nicholson, M. (2024) *Divergence in UK/EU Policy: The State of Play*, Institute for European Environmental Policy UK, pp.18 <https://ieep.uk/publications/divergence-in-uk-eu-environmental-policy-the-state-of-play-february-2024/>

19 See correspondence between [the then] Secretary of State, Therese Coffey MP and Chair of the OEP, Dame Glenys Stacey such as: <https://www.theoep.org.uk/sites/default/files/reports-files/OEP%20Nutrients%20Amendment%20Response%20Letter%20from%20SOSs.pdf>

20 The Office for Environmental Protection (2025) OEP gives advice to Government on the Planning and Infrastructure Bill, 01 May, <https://www.theoep.org.uk/report/oep-gives-advice-government-planning-and-infrastructure-bill>

21 IEEP UK (2024) 'The long shadow of the REUL Act', 27 March, <https://ieep.uk/news/blog-the-long-shadow-of-the-reul-act/> (accessed 14 July 2025)

22 Khalil, H and Morton, B. (2025) 'Build baby build', says PM as she sets out nuclear plan', BBC News, 06 February, <https://www.bbc.co.uk/news/articles/c805mjxe2y90> (accessed 14 July 2025)

23 Hughes, D. (2024) 'Starmer vows to put 'builders not blockers first' with changes to planning rules', *The Standard*, 12 December, <https://www.standard.co.uk/news/politics/angela-rayner-prime-minister-ministry-of-housing-government-labour-b1199538.html> (accessed 14 July 2025)

24 ENDS Report (2024) 'Labour's most wanted: bats and newts cop the blame for the housing crisis', 11 December, <https://www.ends-report.com/article/1899464/labours-wanted-bats-newts-cop-blame-housing-crisis> (accessed 14 July 2025)

25 See UK-EU Trade and Cooperation Agreement, Article 391: https://assets.publishing.service.gov.uk/media/608ae0cd3b-f7f0136332887/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf

The Trajectory of Divergence

The warming of UK-EU relations over the last year or so and up to the recent ‘UK-EU Reset’, has led to a distinctly more pragmatic and constructive tone of conversation including around environment and climate policy.²⁶ Serious discussion for example on the viability of dynamic alignment, or at the least a more pragmatic view that accepting a greater alignment in rules may be necessary for greater trade access, is typified by broad prospective agreements around emissions trading, carbon pricing and pesticide regulation. These are also a clear sign of changed times and perhaps offer a chink of light that the growing divergence gap could be closed or at least reduced.

Threats remain, not least from the regressive nature of the UK Government’s current version of its Planning and Infrastructure Bill, to widen further still the gap in the levels of environmental protection offered by the EU & UK to its citizens. Yet, the UK Government has shown through its approach to closing sandeels fisheries in the North Sea that it can wield its policy making autonomy in a progressive manner and design a form of divergence that is positive on the whole for the environment and in this case, nature.

But as the EU delays implementation of progressive and previously agreed environment and climate laws and talks of ‘simplification’ of these laws, it reminds us that a race to the top is what the UK should seek not a race to whatever the level the EU is at, even if in some cases that is currently higher.

²⁶ IEEP UK (2025) ‘What does the UK-EU Reset announcement mean for the environment?’, 22 May, <https://ieep.uk/news/blog-in-depth-analysis-what-does-the-uk-eu-reset-announcement-mean-for-the-environment/> (accessed 14 July 2025)



DIVERGENCE IN UK-EU ENVIRONMENTAL POLICY

A STRATEGIC OUTLOOK, 2024-25

Divergence rating table

	 England	 Scotland	 Wales	 Northern Ireland
 Agriculture & Land Use				
 Air				
 Chemicals				
 Circular Economy & Waste				
 Climate & Energy				
 Marine				
 Nature & Biodiversity				
 Pesticides				
 Water				
				
	Indicates areas where policy has been more progressive than EU policy	Indicates areas where policy is broadly similar to EU policy	Indicates areas where policy is not keeping pace with more progressive EU policy	Indicates areas where there has been regression since Brexit

* Based on current commitments in policy and legislation, not implementation, nor potential future policy change.

** These ratings are relative and do not mean the current policies in any of the jurisdictions are necessarily adequate or inadequate.

*** Each theme covers multiple areas of policy and legislation and so the ratings reflect the broad direction of travel.



Assessment approach

Methodology

It is now five years since the UK left the EU. This *Divergence in UK/EU Environmental Policy: State of Play 2025* report is an attempt to capture the evolving story of legislative and policy change²⁷ as the UK forges a new chapter in its journey to a more sustainable, post-Brexit future.

This work is part of a [longer running project](#) at IEEP UK to track and assess the significance of divergence in environmental policy, starting with some [Initial Reflections](#) on what is meant by divergence and why it matters and with an explanation of the [Motives for and against divergence](#). This 2025 report and interactive dashboard also builds on IEEP UK's 2024 [State of Play report](#).

Our work to capture this story whilst aiming to be comprehensive, is ultimately subjective.

On one level, the range of topics and issues we include and report on is limited to those we feel have a major and direct impact on the environment. We have, for example, decided to report on several **climate change**-related developments that better fit within the purview of say, the Department of Energy & Net Zero and DG Climate Action (e.g. the carbon border adjustment mechanism and energy efficiency). There are also some elements of **agriculture** policy which we report on, and some **industry**, **transport** and **marine** developments too, though all intersect with or have some degree of import to how we view the environment or sustainability generally.

As one may imagine, **environment**-related measures under the purview of Defra and DG Environment make up the bulk of the topics and issues we examine.

However, we do not claim to be exhaustive or consider all environmental measures. We have been selective, partly for brevity's sake, but also partly because we consider those aspects to be the most significant and consequential in policy. There are some areas of policy that impact on the environment, including food, which is an area where the existing legislation at the point the UK left the EU did not cover environmental considerations, and where different approaches to policy are at a member state level,²⁸ rather than a point of UK and EU divergence.

Prior to leaving the EU, each of the four parts of the UK implemented broadly the same set of environmental rules, all derived in large part from the European Union. Now however, there are four indigenous sets of policy (with only a few exceptions) as the devolved administrations also 'take back control' meaning that the overall picture of divergence is increasingly complex with many moving parts. Keeping track of legislative and policy developments not only at the EU level but also at the UK, Northern Irish, Scottish and Welsh devolved administration level is increasingly difficult.

As such, some developments may be missed and IEEP UK welcomes feedback and evidence to make improvements to this work.

²⁷ IEEP has a long history of tracking legislative change (see our *European Environmental Policy Manual*).

²⁸ Brocard, C. and Wunder, S. (2025) *Towards food policies that support healthy and sustainable consumption: Country case studies and the role of EU food policy*, <https://www.agora-agriculture.org/publications/towards-food-policies-that-support-healthy-and-sustainable-consumption>



Assessment approach – continued

Ratings

Our assessment of whether the UK (or part thereof) is diverging or not from EU policy is also subjective. It is based on the evidence we have gathered from a variety of sources and relies on our judgement. Trying to effectively communicate a broad direction of travel for a theme (e.g. water, climate, circular economy etc.) that includes multiple specific policies and legislation is often difficult. We are conscious that a simplistic score can obscure a complex narrative and so we have tried to note this where it is the most acute. But on the whole the ratings reflect the broad direction of travel

Our assessment is a snapshot in time and is therefore prone to change. Policy development does not stand still, and new laws are created (or repealed) and the relative position of one party versus another can change too. Where we assess one party to be 'behind' the legislative and policy development of another, it does not mean it will always be. We have tried to reflect in the narrative of the thematic sections some of this direction of travel, however the ratings are based on current commitments in policy and legislation, not on the state of implementation of those policies, nor potential future policy change.

Finally, it is worth underlining that these ratings are relative and do not mean the current policies in any of the jurisdictions are necessarily adequate or inadequate. Rather, this is to distinguish between the relative trajectories of the UK, or four nation approaches compared to EU policy.

1 AGRICULTURE & LAND USE



EU

The current 2023 – 2027 CAP programme²⁹ is distinct from the previous 2014-2020 CAP, in place when the UK left the EU, in both the increased environmental focus and the greater flexibility for Member States in implementation. The overall objectives, broad strategies and minimum environmental conditions and targets were set at EU level, but Member States have had greater flexibility in the interventions to achieve these, which were set out in national CAP Strategic Plans.³⁰

The Commission made environmental and climate issues a priority in the 2023–2027 CAP and in 2020, as negotiations for the current CAP were getting underway, it published two key strategies reflecting these priorities: From Farm to Fork³¹ and the Biodiversity Strategy for 2030. Both with highly ambitious, but non-binding targets.

Member States were expected³² to incorporate relevant parts of both strategies into their Strategic Plans, which were required to include cross-compliance mechanisms intended to protect peatlands and wetlands and other General Agricultural and Environmental Conditions (GAECS), and relevant elements of the Water Framework Directive and the Directive on the Sustainable Use of Pesticides.

29 The 2023-2027 CAP is shorter than usual, due to delays in negotiating it.

30 Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013, <https://eur-lex.europa.eu/eli/reg/2021/2115/oj>

31 European Council (2025) 'From Farm to Fork', 12 February, <https://www.consilium.europa.eu/en/policies/from-farm-to-fork/> (accessed 24 June 2025)

32 European Commission (2022) 'The common agricultural policy: 2023-27', https://agriculture.ec.europa.eu/common-agricultural-policy/cap-overview/cap-2023-27_en (accessed 24 June 2025)

Unfortunately, in 2024 initial evidence suggested that the overall climate and environmental ambition of these CAP Strategic Plans was insufficient to meet the goals and targets set out in the Farm to Fork and Biodiversity strategies³³ or advance GHG emission reductions on a significant scale. Previous analysis by IEEP³⁴ concluded that the reasons for this include: the lack of legally binding, agriculture and land use sector specific environmental targets; limitations of the monitoring and evaluation framework including gaps in indicators and data availability; political considerations at Member State and EU level; and insufficient motivation and capacity at a farm level.

Environmental “greening” measures under the previous CAP were found by the European Court of Auditors to have not made farming practices more environmentally friendly, principally due to them not being sufficiently targeted or stretching. Therefore, a key test for the 2023-2027 CAP will be whether the increased ambition and environmental obligations are sufficiently targeted and stretching to lead to meaningful changes on the ground. Whilst the enhanced GAECs and requirements for more funding to go to eco-schemes should improve outcomes relative to the previous CAP period, the effect of this will likely be weakened³⁵ by the CAP Simplification proposals released in May 2025. Furthermore, the limited ambition to Strategic Plans, means such improvements will remain insufficient.

England

Of all the four parts of the UK, England has moved the furthest and fastest away from the CAP. In 2018 Defra set out³⁶ ambitious proposals to transition away from area-based payments with limited cross compliance requirements; towards a model of “public money for public goods”, with funds based on specific actions, usually for environmental aims. The legislative framework for this transition is set out in the Agriculture Act 2020,³⁷ but the transition from the historic system is still in process with full transition set to be complete by 2027.

Three types of Environmental Land Management Schemes (ELMS) have been developed in collaboration with stakeholders. The bulk of funding has been delivered through the **Sustainable Farming Incentive (SFI)**, which pays farmers for specific, prescribed sustainable farming and land management actions. **Countryside Stewardship (CS)**, which offers payments for more targeted, ambitious, and often longer-term environmental actions and **Landscape Recovery (LR)** which funds larger-scale, multiparty, long-term land use change projects, have received less funding.

SFI takes a “pick and mix” approach, with farmers choosing whichever actions they wish to

33 Hart, K. (2024) *Securing greater environmental and climate performance from EU agricultural funds*, Institute for European Environmental Policy, <https://ieep.eu/publications/securing-greater-environmental-and-climate-performance-from-eu-agricultural-funds/>

34 Ibid.

35 Muro, M., Nadeu, E. and Godfroy, A. (2025) ‘Seeking simplification in the complex environment of EU agriculture: challenges and considerations’, Institute for European Environmental Policy, 20 May, <https://ieep.eu/news/seeking-simplification-in-the-complex-environment-of-eu-agriculture-challenges-and-considerations/> (accessed 24 June 2025)

36 Department for Environment, Food & Rural Affairs (2018) *The future for food, farming and the environment*, <https://www.gov.uk/government/consultations/the-future-for-food-farming-and-the-environment>

37 Agriculture Act 2020, <https://www.legislation.gov.uk/ukpga/2020/21/contents>

apply to their farms. This is not only distinct from the EU's approach, but also to the models being proposed elsewhere in the UK, all of which propose a basic/universal layer aimed at the majority of the farming community,³⁸ with a set per hectare payment and set of actions and conditions. All ELMS are voluntary, and after 2027 there will be no universal payment that all scheme participants receive or universal set of actions they must take in return.

Conditionality

A condition of receipt of CAP payments in the EU was and remains adherence to Cross Compliance rules including the Good Agricultural and Environmental Conditions (GAECs). These continue to apply in Wales, Scotland and Northern Ireland, but ceased to apply in England from January 2024. Although many statutory regulations remain, the change means reduced inspections and enforcement for environmental standards.

Budget & implementation issues

The implementation of ELMS has been far from smooth and beset by delays, changes to scheme details and budget changes. Take up was initially very low. After a significant increase in uptake, the SFI was abruptly halted to new applicants in March 2025, a move condemned by farmers and environmentalists alike. This was without warning and justified as a response to increased uptake and consequential budgetary constraints. With both CS and LR suffering from low budget allocation and delays in availability, many farmers found themselves without any ELM scheme to apply to. Defra has subsequently allowed those who had started, but not completed, an application when closure was announced to submit it and be eligible. However, others will need to wait until the Government has reviewed, and potentially redesigned, the scheme, which may not be until 2026.

Together with the phasing out of direct payments and the central role of ELMS in supporting agriculture, this lack of predictability over funds and resulting increased commercial pressure is arguably the most significant divergence from the CAP. Farmers were assured that the EU exit would not result in any loss in support for agriculture, only a change in the basis for receiving payment. ELMS represents a huge opportunity to support nature restoration and reward farmers for doing the right thing, and the design has reflected a more progressive approach than CAP. However, the future direction of the scheme is still unclear and for many farmers the volatility in funding levels and scheme design so far has contributed to an erosion of trust. Government will need to work hard to ensure that farmers do not lose faith in these environmental programmes.

³⁸ Scotland and Northern Ireland continue to have an area-based threshold for inclusion and whilst England has removed this and Wales, partly removed this, the schemes still make most payments based on land area, making the value for joining the scheme limited for small farms. As fruit and veg farms tend to be much smaller, with a higher cost and turnover per hectare, the proposals do not favour them.

Scotland

Throughout its policy development, the Scottish Government has aimed for broad alignment with EU CAP objectives. However, in 2023 they undertook research into the effectiveness of CAP and concluded that to be effective, direct payments must be more targeted.³⁹ The Agriculture and Rural Communities (Scotland) Act 2024 (ARC Act), retains a form of universal area-based payment similar to the CAP, albeit with increased conditionality attached. The ARC Act is still in the process of implementation, and secondary legislation will be laid before Parliament in 2026. In the meantime, Scottish Farmers continue to receive the majority of their financial support via direct payments under the legacy CAP Basic Payment Scheme.

Current proposals for the new scheme will consist of four tiers, which build on each other:

Tier 1	Base provides a foundational payment similar to BPS with the aim of supporting active farming and food production. GAECs are incorporated into the conditions of this Tier, with additional new requirements for farms on peatlands and wetlands, similar to the EU. In addition, farmers need to complete a Whole Farm Plan, ⁴⁰ with carbon audits, soil analysis, and integrated pest management.
Tier 2	Enhanced is planned for 2026 and will include additional funds for enhanced environmental practices that build on Tier 1 requirements, with details still being developed. Whilst Tier 1 is comparable to EU area payments, Tier 2 has been compared ⁴¹ to England's SFI.
Tier 3	Elective will be based on Scotland's current Agri-Environment Climate Scheme which includes funding for a comprehensive list of high-value environmental initiatives. Funding is competitive and offers five-year contracts.
Tier 4	Complimentary focuses on ongoing training and professional support.

It is difficult to assess the impact of Scotland's transition or compare it to either the EU or England, given that it is still in the process of being developed. The incorporation of GAECs and Whole Farm Plan is positive, but the fact that a substantial proportion of funding will go to Tier 1, which are arguably less environmentally ambitious than England's SFI, meaning that there may be less available for the most sustainable practices.

39 Jim Fairlie MSP, Minister for Agriculture and Connectivity, comm. to Finlay Carson MSP, 7 February 2025, <https://www.parliament.scot/-/media/files/committees/rural-affairs-and-islands-committee/correspondence/2025/agriculture-and-rural-communities-scotland-act-2024-7-february-2025.pdf>

40 Scottish Government (undated) 'Whole Farm Plan quick guide', <https://www.ruralpayments.org/topics/agricultural-reform-programme/whole-farm-plan-quick-guide/> (accessed 24 June 2025)

41 BASIS (2024) 'Overview of Scotland's Revised Agricultural Support Scheme', 3 December, <https://basis-reg.co.uk/news/article/scotland-support-scheme> (accessed 24 June 2025)

Wales

Initial proposals for the agricultural transition in Wales were first introduced in 2018 proposing agricultural support be delivered through two streams: public goods and economic resilience.⁴² The proposals have since been amended and developed over several years of consultation and what is now known as the Sustainable Farming Scheme (SFS), is still being finalised. Meanwhile, the Senedd (Welsh Parliament) passed the Agriculture (Wales) Act 2023, which provides the framework for the delivery of funds and other interventions.

The SFS proposals include a three-layer structure: a Universal layer with mandatory actions for a baseline payment; an Optional layer with voluntary actions for additional payments; and a Collaborative layer for farmers working together at scale across landscapes or supply chains.

The SFS was initially planned for introduction in 2025 with BPS payments phased out between 2025 and 2029. However, following substantial farmer protests in spring 2024, about various agricultural policies, but particularly the proposed requirement for farms in receipt of SFS payments to have at least 10% tree cover on their land, the transition was delayed by a year and proposals revisited. The obligations that farmers need to meet for the Universal Layer have been reduced, with farm level tree planting targets removed and biodiversity obligations reduced. As of May 2025, the final details of the Universal Layer scheme have not been published, and even less is known about plans for the optional and collaborative layers.

In the meantime, Welsh farmers continue to receive the majority of their financial support via the legacy Basic Payment Scheme (BPS).

Budget issues

Lack of certainty over the budget has been a major problem for both Welsh Government and stakeholders. With the weakening of the Universal layer, many hoped this could be counteracted with significant support for more ambitious measures in the optional and collaborative layers. However, concerns around a significantly reduced budget have dampened such hopes.

With a continuation of an area based Universal layer, proposals in Wales are arguably closer to the CAP than those in England, but not as close to it as Scotland's. However, as policy is still in development and budget still uncertain, assessing the likely environmental outcomes is challenging.

Northern Ireland

Policy development in Northern Ireland has been slower and is heavily shaped by the unique context of the Windsor Framework; the agricultural sector's very high dependence on direct payments (estimated at 83% of farm income pre-reform); extremely high levels of phosphorus and nitrogen pollution; and the frequent suspensions of the Northern Ireland Assembly and

⁴² Welsh Government (2018) *Brexit and our land: Securing the future of Welsh farming*, https://www.gov.wales/sites/default/files/consultations/2018-07/brexit-and-our-land-consultation-document_1.pdf

Stormont Executive, most recently between 2022 and 2024.

The Sustainable Agriculture Programme, being introduced under the Climate Change Act (Northern Ireland) 2022⁴³ includes multiple elements with the aim of improving environmental sustainability, increasing resilience and productivity and strengthening supply chains. The most significant elements are the Farm Sustainability Payment, which is a form of direct payment similar to the BPS and the Farming with Nature Package. The latter funds actions such as woodland planting, peatland management, agroforestry, and hedgerow planting and the Department of Agriculture, Environment and Rural Affairs (DAERA) has been conducting 'Test & Learn' pilots to inform scheme design.

A prerequisite for receiving Farm Sustainability and Farming with Nature payments is participation in the Soil Nutrient Health Scheme. This has been rolling out across different regions since 2022 and aims to test⁴⁴ every field in Northern Ireland (estimated to be around 700,000) and deliver training to farmers on how to improve farm management based on the results. Whilst soil testing is a part of schemes elsewhere in the UK, Northern Ireland's is the most ambitious and comprehensive. Meanwhile, whilst the EU plans to introduce soil testing requirements,⁴⁵ plans are not yet fully developed.

The Soil Nutrient Health Scheme is being rolled out in a context of crisis levels of nutrient pollution in its waterways. Most notably Lough Neagh, the UK's largest inland lake and source of 40% of Northern Ireland's drinking water,⁴⁶ has been devastated⁴⁷ by algal blooms and toxic blue-green algae. This is caused by high levels of phosphorus and nitrogen of which over 60% comes from agriculture.

As well as helping improve nutrient knowledge management at a farm level, the results of the Soil Nutrient Health Scheme will also inform a review of Northern Ireland's Nutrient Actions Programme including potential restrictions on use of chemical fertilisers.⁴⁸ These and other policies form part of the Lough Neagh Action Plan. It remains to be seen how effective this suit of policies will be at tackling Northern Ireland nutrient pollution problems, but there is now substantial momentum behind these efforts.

The overall policy approach appears more similar to Wales and Scotland, than England, but as

43 Department of Agriculture, Environment and Rural Affairs (undated) 'Sustainable Agriculture Programme', <https://www.daera-ni.gov.uk/topics/sustainable-agriculture-programme> (accessed 24 June 2025)

44 Tests include show pH, Phosphorus (P), Potassium (K), Magnesium (Mg), Sulphur (S) and a carbon estimate and farmers also receive advice on nitrogen management.

45 European Council (2024) 'Soil monitoring law: EU on the pathway to healthy soils by 2050', Press Release, 17 June, <https://www.consilium.europa.eu/en/press/press-releases/2024/06/17/soil-monitoring-law-eu-on-the-pathway-to-healthy-soils-by-2050/> (accessed 24 June 2025)

46 Greene, T. (2024) 'Pollution plan 'must cut intensive farming for Lough Neagh to survive'', *The Guardian*, 22 July, <https://www.theguardian.com/uk-news/article/2024/jul/22/pollution-plan-must-cut-intensive-farming-for-lough-neagh-to-survive> (accessed 24 June 2025)

47 Greene, T. (2023) 'Lough Neagh 'dying in plain sight' due to vast algal blooms', *The Guardian*, 23 August, <https://www.theguardian.com/uk-news/2023/aug/23/lough-neagh-dying-in-plain-sight-say-campaigners-due-to-vast-algal-blooms> (accessed 24 June 2025)

48 Department of Agriculture, Environment and Rural Affairs (2024) *The Lough Neagh Report - Blue Green Algae and Water Quality in Northern Ireland*, <https://www.daera-ni.gov.uk/publications/lough-neagh-report-and-action-plan>

it is still in development it is difficult to assess either its environmental impact or divergence from the EU and elsewhere in the UK. What is notable is that since the resumption of Stormont in February 2024 there has been a substantial increase in environmental and agri-environmental policy development, with arguably significantly more ambition than previously seen.

Divergence Summary Agriculture & Land Use

In leaving the European Union, the UK also left the Common Agricultural Policy. With agricultural policy in the UK devolved to the four constituent parts, each has had the challenge of developing new ways to support farmers and improve environmental outcomes, or to maintain a system similar to that it left. Each has developed its own legal framework resulting in divergence from the EU's Common Agricultural Policy (CAP) and each other. Meanwhile policy in the EU has not stood still with the current CAP (for 2023-2027) informed by greater environmental ambition than previously, albeit keeping to the same broad structure and approach. England's approach under the Environmental Land Management Scheme marks a divergence with arguably a more environmentally focussed approach which is more targeted on public goods and the environment. Whilst Wales, Scotland and Northern Ireland are also developing their own approaches, that would on paper focus more on environmental benefits than CAP, for now, their approaches do not diverge as significantly from that of the EU as England's.

The speed, ambition and detail of change across the UK has varied, but all UK farmers have had to contend with significantly less certainty over future payments than their EU counterparts, with CAP budgets planned in 7-year cycles, giving farmers medium term predictability. In devolved administrations this has been compounded by the fact that whilst agricultural policy is devolved, Westminster determines the overall budget. However, all UK farmers have had to cope with shorter term budgets and rapid changes in schemes, creating significant anxiety and resistance from many in the farming community, which amongst other things might be to the detriment of the environmental impact of these new schemes.

2 AIR



EU

A European Commission communication establishing a Zero Pollution Action Plan⁴⁹ was published in 2021 and set out a major reframing of the EU's long-term ambition on a number of policy areas, including air quality. It contains a headline commitment to reduce air pollution 'to levels no longer harmful to health and natural ecosystems'⁵⁰ by 2050. To help achieve this, the EU passed in December 2024 a key aspect of this plan – a revised **Ambient Air Quality Directive (AAQD)**.⁵¹ This replaces a directive from 2008 which the UK had implemented whilst a member of the EU.

The AAQD aims to bring EU ambient air quality standards closer to World Health Organization (WHO) recommendations by 2030, though has been criticised by NGOs for not fully aligning with them.⁵² It updates binding standards on various major pollutants, including PM_{2.5} and PM₁₀, nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and ozone (O₃), introducing more stringent limit values and tighter deadlines for compliance. For example, under the AAQD, the annual mean limit for PM_{2.5} in the EU is set to decrease from 25µg/m³ to 10µg/m³ by 2030, though this remains above the WHO's most recent guideline value of 5µg/m³. [Table 1](#) provides a comparison of current and 2030 target EU limit values for major pollutants compared with WHO guidelines and the four UK administrations.

49 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0400>

50 Ibid.

51 Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe, <https://eur-lex.europa.eu/eli/dir/2024/2881/oj/eng>

52 Hamilton, C. and Nicholson, M. (2024) Air Quality Policy in the UK Post-Brexit, Institute for European Environmental Policy UK, <https://ieep.uk/publications/briefing-air-quality-policy-in-the-uk-post-brexit/>

Table 1 Guideline Limit Values for Major Pollutants
(µg/m³, annual mean unless stated)

	WHO guidelines	EU	EU – 2030 targets	England	Scotland	Wales	NI
PM _{2.5}	5	25	10	10***	10	25	25
PM ₁₀	15	40	20	40	18	40	40
NO ₂	10	40	20	40	40	40	40
SO ₂ *	40	125	125	125	125	125	125
O ₃ **	60	120	100	120	100	120	120

Note: EU – as set under previous 2008 AAQD. EU – 2030 – as set by new 2024 AAQD.

* All values for SO₂ are daily maximum mean values. ** All values for O₃ are 8-hour mean values. *** Target to be achieved by 2040.

There have been several other changes to EU air quality policy causing legislative divergence with the UK.

One example is the updated 2024 **Industrial Emissions Directive (IED)**, a major piece of legislation which has expanded its scope to cover a higher percentage of large pig and poultry farms, as well as large battery manufacturing facilities. It notably omits cattle farming, though includes a provision for the European Commission to review the IED's efficacy by the end of 2026, including options to address emissions from cattle.⁵³ The adoption of this new directive represents a significant divergence from UK legislation in this area which, as explained below, remains largely in line with the original 2010 IED.⁵⁴

The EU's **Regulation on Fluorinated Greenhouse Gases (F-gases)**, which came into force in 2024, commits to the phasing out of hydrofluorocarbons (HFCs) – the most common type of F-gas – by 2050. It also sets new caps on EU production of HFCs, bans the use of certain F-gases in certain applications where more environmentally friendly alternatives exist, and expands F-gas recovery obligations to more sectors. F-gas regulation in Great Britain has not kept pace with these progressive changes; a 2022 UK government review of existing F-gas regulation⁵⁵ identified necessary changes to policy which, if implemented, could bring GB into greater alignment with the EU and Northern Ireland. However, no major policy or regulatory updates concerning F-gases have been made since the publication of this review.

53 European Commission (undated) 'Industrial and Livestock Rearing Emissions Directive (IED 2.0)', https://environment.ec.europa.eu/topics/industrial-emissions-and-safety/industrial-and-livestock-rearing-emissions-directive-ied-20_en (accessed 26 June 2025); Farmer, A. (2022) UK/EU divergence in environmental regulation: The case of the EU Industrial Emissions Directive, Institute for European Environmental Policy UK, <https://ieep.eu/publications/uk-eu-divergence-in-environmental-regulation-the-case-of-the-eu-industrial-emissions-directive/>

54 Farmer, A. (2022) UK/EU divergence in environmental regulation: The case of the EU Industrial Emissions Directive, Institute for European Environmental Policy UK, <https://ieep.eu/publications/uk-eu-divergence-in-environmental-regulation-the-case-of-the-eu-industrial-emissions-directive/>

55 Department for Environment, Food & Rural Affairs (2022) F gas regulation in Great Britain, <https://www.gov.uk/government/publications/assessment-of-the-f-gas-regulation-in-great-britain>

In 2024 the EU also adopted a new **Regulation on Ozone-Depleting Substances (ODS)**,⁵⁶ which recast the existing 2009 Regulation. Building on previous EU legislation implementing the Montreal Protocol, it expedites the phase-out of ODS by further restricting exemptions on their use, and by making explicit a blanket ban on the placing on the market of any product or equipment containing or relying on ozone depleting-substances. The regulation also makes mandatory the recovery and destruction of ODS from equipment (such as refrigeration systems). These changes open up divergence with GB legislation in this area, which has not been updated since Brexit and continues to be based upon the EU's 2009 ODS Regulation.

The adoption of a regulation in April 2023 to strengthen the **CO₂ emission performance standards for new passenger cars and light commercial vehicles** set a target to ban new internal combustion cars and vans within the EU's internal market by 2035. This is an area where the EU is behind the UK; in April 2025, the UK Government announced that the **Zero Emissions Vehicle Mandate** – which applies across the UK – will be updated once again, reverting the phase out date for the sale of new petrol and diesel cars to 2030, after the previous government had delayed it to 2035. Hybrid cars and vans with internal combustion engines will be able to be sold until 2035.⁵⁷

The new **Euro 7** vehicle emissions standard will come into force in July 2025, and alongside tighter restrictions on exhaust emissions, is the first of these standards to include limits on non-exhaust emissions, including tyres and brakes.⁵⁸

England

Transboundary air pollutants are regulated at a UK-wide level under the National Emissions Ceiling Regulations, which derive from an EU directive. Controversially, using powers under the **Retained EU Law (Revocation and Reform) Act 2023**, the UK Government revoked regulations 9 and 10 of these regulations, thereby removing its obligation to produce and consult on a national air pollution control programme (NAPCP). As IEEP UK reported in 2024,⁵⁹ this change constituted a regression on legislative requirements that had existed at the point of Brexit. There has been no further update on the potential for the production of future NAPCPs from government since 2023.⁶⁰

56 Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, and repealing Regulation (EC) No 1005/2009, <https://eur-lex.europa.eu/eli/reg/2024/590/oj/eng>

57 Department for Transport et al. (2025) 'Backing British business: Prime Minister unveils plan to support carmakers', Press Release, 6 April, <https://www.gov.uk/government/news/backing-british-business-prime-minister-unveils-plan-to-support-carmakers> (accessed 26 June 2025)

58 European Council (2024) 'Euro 7: Council adopts new rules on emission limits for cars, vans and trucks', Press Release, 12 April, <https://www.consilium.europa.eu/en/press/press-releases/2024/04/12/euro-7-council-adopts-new-rules-on-emission-limits-for-cars-vans-and-trucks/> (accessed 26 June 2025)

59 Nicholson, M. (2024) *Divergence in UK/EU Policy: The State of Play*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/divergence-in-uk-eu-environmental-policy-the-state-of-play-february-2024/> (see pg.22) Smith, L. and Bolton, P. (2025) *Air quality: policies, proposals and concerns*, House of Commons Library, <https://commonslibrary.parliament.uk/research-briefings/cbp-9600>

60 Smith, L. and Bolton, P. (2025) *Air quality: policies, proposals and concerns*, House of Commons Library, <https://commonslibrary.parliament.uk/research-briefings/cbp-9600/>

Prior to coming into power, the Labour Government pledged to bring in a new Clean Air Act,⁶¹ but has since watered this down to instead focus on developing a new air quality strategy to 'deliver legally binding targets on improving air quality'⁶² building on the previous 2023 Air Quality Strategy.⁶³

Legislative targets for major pollutants in England currently lag behind the EU 2030 targets, specifically those for PM_{2.5}, PM₁₀, NO₂, and O₃.⁶⁴ PM_{2.5} is the only target to have been refined since Brexit, with a 2040 target of 10 µg/m³ set under the **Environmental Targets (Fine Particulate Matter) (England) Regulations 2023**,⁶⁵ notably ten years behind the EU's PM_{2.5} target. Other targets for major pollutants are still regulated by The Air Quality Standards Regulations 2010⁶⁶ which is derived from the 2008 Ambient Air Quality Directive.

Industrial emissions in England are regulated by The Environmental Permitting Regulations (England and Wales) 2016,⁶⁷ which transposed the EU's 2010 Industrial Emissions Directive (IED). While England has not matched the EU in expanding the legislation's scope to cover battery manufacturing facilities, the UK Government has previously committed to extending permitting to the dairy and intensive beef sectors.⁶⁸

Scotland

Scotland's current national strategy for air quality is Cleaner Air for Scotland 2 – Towards a Better Place for Everyone.⁶⁹ Ambient air quality in Scotland continues to be regulated by the Air Quality Standards (Scotland) Regulations 2010, and its targets for major pollutants, particularly PM_{2.5} and PM₁₀, are the most ambitious in the UK, and its current PM₁₀ target is more demanding than the EU's target for 2030.

Industrial emissions in Scotland are regulated by The Pollution Prevention and Control (Scotland) Regulations, which transposed the EU's IED. As in England, Scotland has not matched the EU in including battery manufacturing facilities within the scope of this regulation.

61 Adie, S. (2024) 'Striking omission: Clean Air Act pledge missing from Labour manifesto', ENDS Report, 14 June, <https://www.ends-report.com/article/1877083/striking-omission-clean-air-act-pledge-missing-labour-manifesto> (accessed 26 June 2025)

62 'DEFRA developing a 'clean air strategy' as EU signs off tougher regulations', ENDS Report, [21 October 2024, <https://www.ends-report.com/article/1893062/defra-developing-clean-air-strategy-eu-signs-off-tougher-regulations> (accessed 26 June 2025)

63 Department for Environment, Food & Rural Affairs (2023) The air quality strategy for England, <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england>

64 AirClim (undated) 'The EU Ambient Air Quality Directives', <https://www.airclim.org/eu-ambient-air-quality-directives> (accessed 26 June 2025); Department for Environment, Food & Rural Affairs (2023) Air Quality Objectives Update, https://uk-air.defra.gov.uk/assets/documents/Air_Quality_Objectives_Update_20230403.pdf

65 The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, <https://www.legislation.gov.uk/uksi/2023/96/contents/made>

66 The Air Quality Standards Regulations 2010, <https://www.legislation.gov.uk/uksi/2010/1001/contents>

67 The Environmental Permitting (England and Wales) Regulations 2016, <https://www.legislation.gov.uk/uksi/2016/1154/contents>

68 Department for Energy Security & Net Zero et al. (2019) Clean Air Strategy 2019: executive summary, <https://www.gov.uk/government/publications/clean-air-strategy-2019/clean-air-strategy-2019-executive-summary#chapter-7-action-to-reduce-emissions-from-farming> (see Chapter 7); Farmer, A. (2022) UK/EU divergence in environmental regulation: The case of the EU Industrial Emissions Directive, Institute for European Environmental Policy UK, <https://ieep.eu/publications/uk-eu-divergence-in-environmental-regulation-the-case-of-the-eu-industrial-emissions-directive/>

69 Environment and Forestry Directorate (2021) Cleaner Air for Scotland 2 - Towards a Better Place for Everyone, <https://www.gov.scot/publications/cleaner-air-scotland-2-towards-better-place-everyone/documents/>

Wales

In 2020, the Welsh Government published the **Clean Air Plan for Wales**,⁷⁰ a national air quality strategy. The document outlines a cross-cutting 10-year strategic plan, taking actions across transport, planning, industry and agriculture to reduce air pollution and improve outcomes for human health and biodiversity.

The **Environment (Air Quality and Soundscapes) (Wales) Act 2024**⁷¹ is a significant step in Welsh air quality legislation. Building on commitments made in the Clean Air Plan, it contains binding legislative commitments to update targets for PM_{2.5} and one other pollutant by 2027 and 2030 respectively. Welsh air quality targets are currently set by The Air Quality Standards (Wales) Regulations 2010⁷² and are less ambitious for major pollutants than Scotland's targets, as well as the new targets under the AAQD (as shown above in [Table 1](#)).

Northern Ireland

In Northern Ireland, a public discussion document was published in 2020 with the aim of replacing the 2007 UK-wide air quality strategy and setting new targets for ambient air quality. However, it is unclear whether this is still the aim of the current administration.

The **Pollution Prevention and Control Regulations (Northern Ireland) 2013**⁷³ regulate industrial emissions in Northern Ireland and transposed the EU IED. As is the case in the rest of the UK, NI has not moved to incorporate battery production facilities into the scope of this legislation, and as such now lags behind the EU in this regard.

Under the terms of the UK's withdrawal agreement, the EU's **2024 Regulation on fluorinated greenhouse gases (F-gases)** and **2024 Regulation on ozone-depleting substances** both apply in Northern Ireland, which opens up divergence with the rest of the UK.

70 Welsh Government (2020) *Clean Air Plan for Wales: Healthy Air, Healthy Wales*, <https://www.gov.wales/clean-air-plan-wales-healthy-air-healthy-wales>

71 Environment (Air Quality and Soundscapes) (Wales) Act 2024, <https://www.legislation.gov.uk/asc/2024/2>

72 The Air Quality Standards (Wales) Regulations 2010, <https://www.legislation.gov.uk/wsi/2010/1433/contents>

73 The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, <https://www.legislation.gov.uk/nisr/2013/160/contents/made>

Divergence Summary Air

Since the UK's exit from the EU, the four constituent nations of the UK have generally been left behind by EU legislative and policy developments within matters of air policy, with the UK experiencing a form of 'passive divergence' from the EU. There has also been one case of regression where UK policy has gone backwards – removal of articles 9 and 10 of the National Emissions Ceiling Regulations.

The main area of UK-EU divergence is with regard to ambient air quality targets. The passing of the 2024 **Ambient Air Quality Directive**, brought EU air quality targets closer towards standards recommended by the World Health Organization. Though it is important to note that Scotland's PM10 target is more ambitious than the new target set by the EU.

There has also been 'divergence by default' (or 'passive' divergence) with regard to F-Gases and ozone depleting substances regulation between GB and the EU and industrial emissions regulation between the UK and EU.

However, there have also been some bright spots. For example, the decision by the UK Government to reinstate the headline target of 2030 for the phaseout of the internal combustion engine is ahead of the EU's target of 2035. Furthermore, a mooted expansion of industrial emissions regulation to cover the dairy and intensive beef sectors, if it comes to fruition, would signal further progressive policy.

3 CHEMICALS



EU

Neatly coinciding with Brexit in late 2020, the EU published a new Chemicals Sustainability Strategy⁷⁴ and indicated that a revision to **EU REACH**, its flagship policy, would take place. However, this has not happened amidst pushback from various industry interests and indeed in early 2025 a 'strategic dialogue' on the future of the EU's chemical industry was initiated⁷⁵ as part of the EU's wider drive to ease the burden of regulation.

Yet this has not stopped EU REACH from going forward in restricting harmful chemical substances. Since Brexit, the European Chemicals Agency has adopted 13 restrictions, some of which are significant and consequential, such as intentionally added microplastics and formaldehyde, whilst a further 11 substance restrictions have been initiated,⁷⁶ meaning that files have been opened with a view to possible restriction in the near future. Similarly, ECHA has added 38 'Substances of Very High Concern' (SVHC) since Brexit to its list of candidate list meaning enhanced measures are required on companies providing such chemicals. In contrast, the UK has not added any.⁷⁷

In late 2024 the EU revised the **Classification, Labelling and Packaging Regulation**, another key part of the chemicals policy framework. As the name suggests this is significant because it

⁷⁴ European Commission (undated) 'Chemicals Strategy', https://environment.ec.europa.eu/strategy/chemicals-strategy_en (accessed 26 June 2025)

⁷⁵ European Commission (2025) 'Daily News 25 / 03 / 2025', 25 March, https://ec.europa.eu/commission/presscorner/detail/en/mex_25_872 (accessed 26 June 2025)

⁷⁶ European Chemicals Agency (2025) 'Registry of restriction intentions until outcome', 19 June, <https://echa.europa.eu/fr/registry-of-restriction-intentions> (accessed 19 June 2025)

⁷⁷ Chem Trust (2025) 'UK/EU differences in environmental/health protections from harmful substances since 1/1/2021', 16 June, <https://chemtrust.org/divergence-table/> (accessed 19 June 2025)

strengthens measures around how chemicals are sold through online marketplaces for example, that products should have clearer labelling (and introducing digital labelling) and that online advertisements will have to contain information on the hazards in a way as to make it easier for consumers to understand and make sustainable choices. This regulation builds on an earlier 2008 Classification, Labelling and Packaging Regulation⁷⁸ in which the UK implemented and so highlights a clear form of legislative divergence.

Though REACH is perhaps the most well-known piece of legislation in regulating chemicals, other changes have been taking place too since Brexit with a bearing on divergence in EU/UK chemicals policy.

As many of the products that we buy, sell and use contain chemicals, it is worth noting that changes to EU's **Ecodesign framework**⁷⁹ also has relevance as the EU will be considering how to address the presence of hazardous chemicals in relevant products and how effectively for example they can be recycled, repaired and/or reused. The passing of the revised 2024 **Urban Wastewater Treatment Directive** (detailed in the Water section of this report) is significant as cosmetics and pharmaceuticals producers will have to pay a part of the costs of damage caused to the water environment. And similarly, chemical pollution is addressed through the revision of the 2024 **Industrial Emission Directive**. These revised laws represent a form of passive, or 'divergence by default' whereby the UK has chosen not to keep pace with developments in the EU.

Great Britain

Before Brexit had even fully taken place, the UK government committed under Prime Minister Theresa May to producing a Chemicals Strategy⁸⁰ to 'manage the risks ... and promote safe production, transport and use'⁸¹ of chemicals post-Brexit. Since then, the threat of per- and polyfluoroalkyl substances (PFAS) has also come to wider attention. And yet, this strategy has not materialised. A year after the formation of a new UK Government and many of the same questions are being asked which only underscore the absence of progress in chemicals policy.⁸²

A particularly significant change occurred after Brexit with the UK withdrawing from EU REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) and establishing

78 Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008R1272>

79 Ecodesign for Sustainable Products Regulation 2024/1781, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=O-J:L_202401781

80 Prime Minister's Office, 10 Downing Street and May, T. (2018) 'Prime Minister launches 25 Year Environment Plan', 10 January, <https://www.gov.uk/government/news/prime-minister-launches-25-year-environment-plan> (accessed 26 June 2025)

81 Department for Environment, Food & Rural Affairs and Gove, M. (2018) A Green Future: Our 25 Year Plan to Improve the Environment, <https://www.gov.uk/government/publications/25-year-environment-plan>

82 Haigh, N. (2024) A crossroads for chemicals: Questions for the new UK Government on its chemical policy in an international context, Institute for European Environmental Policy UK, <https://ieep.uk/publications/briefing-a-crossroads-for-chemicals-questions-for-the-new-uk-government-on-its-chemical-policy-in-an-international-context/>

an indigenous alternative called UK REACH.⁸³ This is in itself a classic example of regulatory divergence, the significance of which is mostly through the reduced capacity that the Health and Safety Executive (HSE) who administers UK REACH has⁸⁴ compared to the European Chemicals Agency (ECHA) who administers EU REACH. This has become more apparent over time as data and information gathered by CHEM Trust shows.⁸⁵

Since leaving the EU, the HSE through UK REACH has not adopted any restrictions of harmful chemical substances (compared to 13 by the EU in the same time period), has initiated three restrictions – on lead ammunition, PFAS in firefighting foams and harmful substances in tattoo ink respectively, (none of which are yet in force and the latter does not appear to be as robust as it's EU equivalent),⁸⁶ compared with 11 on the EU side. It is a similar story with regard to managing 'Substances of Very High Concern' – the EU has placed 38 'Substances of Very High Concern' (SVHC) on its candidate list whilst the UK has not added any.⁸⁷

Northern Ireland

Confusingly, 'UK' REACH only applies to Great Britain – England, Scotland and Wales. Northern Ireland continues to apply EU REACH following rules set under the Northern Ireland Protocol/Windsor Framework.

83 An explanation of what EU and UK REACH is and does can be found here: European Chemicals Agency (undated) 'Understanding REACH', <https://echa.europa.eu/regulations/reach/understanding-reach> (accessed 26 June 2025) & here: Health and Safety Executive (undated) 'UK REACH explained', <https://www.hse.gov.uk/reach/about.htm> (accessed 26 June 2025)

84 National Audit Office (2022) *Regulating after EU Exit*, <https://www.nao.org.uk/reports/regulating-after-eu-exit/>

85 Chem Trust (2025) 'UK/EU differences in environmental/health protections from harmful substances since 1/1/2021', 16 June, <https://chemtrust.org/divergence-table/> (accessed 19 June 2025)

86 Adie, S. (2023), 'HSE proposes looser ban on hazardous inks than EU in first UK REACH restriction', ENDS Report, 15 February, <https://www.endsreport.com/article/1813545/hse-proposes-looser-ban-hazardous-inks-eu-first-uk-reach-restriction> (accessed 26 June 2025)

87 Chem Trust (2025) 'UK/EU differences in environmental/health protections from harmful substances since 1/1/2021', 16 June, <https://chemtrust.org/divergence-table/> (accessed 19 June 2025)

Divergence Summary Chemicals

It is through REACH and the restriction of harmful chemical substances that we see the most significant levels of divergence between the UK and EU with the latter going further to phase out, prevent and stop the use of chemicals that have serious negative health and environmental effects. The EU has also gone further by tightening up rules around the classification, labelling and packaging of chemicals too.

Yet, though REACH is perhaps the most well-known piece of legislation in regulating chemicals, other changes have been taking place too since Brexit with a bearing on divergence in EU/UK chemicals policy.

As many of the products that we buy, sell and use contain chemicals, it is worth noting that changes to **EU's Ecodesign framework**⁸⁸ also has relevance as the EU will be considering how to address the presence of hazardous chemicals in those products and how effectively for example they can be recycled, repaired and/or reused. The **Product Regulation and Metrology Bill**, when enacted would be a tool for aligning environmental product standards in Great Britain with those from the EU but legislative divergence in tackling chemicals in products has already begun. Changes to the **Urban Wastewater Treatment Directive** and **Industrial Emissions Directive** are significant in relation to tackling chemical pollution too and represent legislative divergence.

The absence of a post-Brexit UK Chemicals Strategy has been disappointing, as has been the slow and unambitious nature of the approach to the registration and restriction of individual chemicals under the UK REACH regime. Yet, this has not prevented some,⁸⁹ IEEP UK included, to call for a UK-wide Chemicals Agency to tackle the life-cycle nature of the chemicals threat⁹⁰ as well as a dedicated Chemicals Act.⁹¹

88 Ecodesign for Sustainable Products Regulation 2024/1781, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401781

89 Royal Society of Chemistry (2024), 'The UK needs a national Chemicals Agency', <https://www.rsc.org/news/2024/june/the-uk-needs-a-national-chemicals-agency-join-the-rsc-s-call-for-politicians-to-end-regulatory-chaos> (accessed 26 June 2025)

90 Haigh, N. (2021) *The Case for a Dedicated UK Chemicals Agency and Chemicals Act*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/briefing-the-case-for-a-dedicated-uk-chemicals-agency-and-chemicals-act/>

91 Ibid.

4 CIRCULAR ECONOMY & WASTE



EU

Circular economy and waste has been a focus of EU environmental policy in recent years, and a plethora of legislation has been enacted in this area guided by overarching strategic plans such as the 2020 **Circular Economy Action Plan**,⁹² which forms part of the wider European Green Deal. Since the UK's exit from the EU, this has included new and updated regulations and directives across ecodesign, sustainable products, textile and food waste, batteries, critical raw materials, plastics, packaging, and persistent organic pollutants (POPs).

Within ecodesign, EU policymaking has been particularly progressive. The 2024 **Ecodesign for Sustainable Products Regulation (ESPR)**⁹³ and 2023 **Commission Regulation on Ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones**⁹⁴ have been the most important recent regulatory advances in this area. The ESPR replaced and extended the Ecodesign Directive 2009 by expanding its scope to cover virtually all physical products, rather than only energy-related goods, and seeks to increase product sustainability in the EU by increasing their circularity, energy efficiency, recyclability, durability and recycled content.

92 A new Circular Economy Action Plan For a cleaner and more competitive Europe, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN>

93 Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1781&qid=1719580391746>

94 Commission Regulation (EU) 2023/1670 of 16 June 2023 laying down ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) 2023/826, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=cel-ex%3A32023R1670>

Running alongside its progress on ecodesign, the EU has also put in place regulatory measures aiming to further promote sustainability in the products we buy, sell and use. These have included the 2024 **Directive on Repair of Goods**,⁹⁵ which requires the manufacturers of products such as fridges and smartphones that are subject to reparability requirements under EU law to repair these products for a reasonable price and within a reasonable time period; the 2024 **Product Liability Directive**,⁹⁶ which ensures that third parties are held liable for any product repairs, modifications and upgrades that they have made; and the 2024 **Directive on empowering consumers for the green transition**,⁹⁷ which seeks to improve consumer information on product durability and reparability before any purchase, and prevent vague and unsubstantiated environmental claims and unreliable voluntary sustainability logos.⁹⁸ A proposed **Green Claims Directive (GCD)** would have gone further in seeking to protect consumers from greenwashing by ensuring that any claims made relating to a product's green credentials by a business are reliable, comparable and verifiable,⁹⁹ but is set to be withdrawn by the European Commission after Italy withdrew its support.¹⁰⁰

In an effort to reduce textile and food waste, the European Parliament and the Council reached an agreement in February 2025 on revisions to the EU's **Waste Framework Directive (WFD)**.¹⁰¹ This legislation sets out an Extended Producer Responsibility (EPR) Scheme for textiles, which provides an incentive for manufacturers to produce longer-lasting products by charging them a fee to cover the costs of textile waste management. The revised WFD builds on the intentions set out in the Strategy for Sustainable and Circular Textiles¹⁰² but does not contain specific targets for carbon and water footprint reductions within the textile supply chain. For food waste, the revised directive outlines Member State reduction targets of 10% for manufacturers and processors and 30% for retail, restaurants, food services and households by 2030. It comes under the umbrella of the EU's Farm to Fork Strategy,¹⁰³ though has faced criticism for not going far enough in meeting the commitment made within the Strategy of cutting per capita food waste

95 Directive (EU) 2024/1799 of the European Parliament and of the Council of 13 June 2024 on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1799>

96 Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products and repealing Council Directive 85/374/EEC, <https://eur-lex.europa.eu/eli/dir/2024/2853/oj/eng>

97 Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information, <https://eur-lex.europa.eu/eli/dir/2024/825/oj>

98 Directorate-General for Energy (2024) 'New EU rules to empower consumers for the green transition enter into force', European Commission, 24 March, https://energy.ec.europa.eu/news/new-eu-rules-empower-consumers-green-transition-enter-force-2024-03-27_en (accessed 24 June 2025)

99 European Commission (undated) 'Green Claims', https://environment.ec.europa.eu/topics/circular-economy/green-claims_en (accessed 24 June 2025)

100 Gros, M. and Mathiesen, K. (2025) 'EU countries abandon anti-greenwashing talks after Italy pulls out', Politico, 23 June, <https://www.politico.eu/article/eu-countries-abandon-anti-greenwashing-talks-after-italy-pulls-out/> (accessed 24 June 2025)

101 European Commission (undated) 'Waste Framework Directive', https://environment.ec.europa.eu/topics/waste-and-recycling/waste-framework-directive_en (accessed 24 June 2025)

102 Directorate-General for Environment (2022) EU strategy for sustainable and circular textiles, https://environment.ec.europa.eu/publications/textiles-strategy_en

103 European Commission (undated) 'Farm to Fork Strategy', https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en (accessed 24 June 2025)

by 50% over the same period.¹⁰⁴

An upgrade to an earlier directive which the UK had implemented whilst being a member of the EU, the 2023 **Batteries Regulation**¹⁰⁵ introduces more stringent end-of-life management, including targets for recycling efficiency, recycled content and material recovery and the prohibition of sending batteries to landfill. It also aims to increase manufacturer transparency on battery composition, recyclability and recycled content by imposing new digital battery passports.

The EU has strengthened its approach in securing **critical raw materials (CRM)** necessary for the green transition – particularly for electric vehicle batteries – and more widely in critical sectors such as defence by passing the 2024 Critical Raw Materials Act.¹⁰⁶ This Act, actually a *regulation*, includes a target for at least 25% of the EU's annual consumption of critical materials to come from recycled sources, and measures requiring member states and private operators to investigate the potential for recovering critical raw material from extractive waste and setting requirements on recyclability and recycled content of permanent magnets. This is supported by a non binding **2023 Recommendation on improving the rate of return of used and waste mobile phones, tablets and laptops**¹⁰⁷ which looks to improve the collection and recycling rates of these goods.

A **Single-Use Plastics Directive**¹⁰⁸ has banned 10 common single-use plastic items from the EU market, including cotton bud sticks, cutlery, food containers and cups – where sustainable alternatives are easily available and affordable – and all oxo-degradable plastics.¹⁰⁹ Additionally, in April 2025 the Council and Parliament reached a provisional agreement on a new Regulation on **preventing plastic pellet losses to reduce microplastic pollution**¹¹⁰ which introduces a new risk management framework to minimise losses of these pellets to the environment throughout the value chain.

The **Packaging and Packaging Waste Regulation (PPWR)**¹¹¹ sets binding re-use targets, requires

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- 104 Zero Waste Europe (2023) 'The Waste Framework Directive revision is a missed opportunity, says Zero Waste Europe', 5 July, <https://zerowasteurope.eu/press-release/the-waste-framework-directive-revision-is-a-missed-opportunity-says-zero-waste-europe/> (accessed 24 June 2025)
- 105 Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC, <https://eur-lex.europa.eu/eli/reg/2023/1542/oj>
- 106 Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202401252
- 107 Commission Recommendation (EU) 2023/2585 of 6 October 2023 on improving the rate of return of used and waste mobile phones, tablets and laptops, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202302585
- 108 Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, <https://eur-lex.europa.eu/eli/dir/2019/904/oj>
- 109 Oxo-degradable plastics contain additives that allow them, when exposed to light and heat, to break down more quickly than regular plastics. However, rather than biodegrading, they instead form microplastics that persist in the natural environment.
- 110 European Council (2025) 'Plastic pellet losses: Council and Parliament agree on new rules to reduce microplastic pollution', Press Release, 8 April, <https://www.consilium.europa.eu/en/press/press-releases/2025/04/08/plastic-pellet-losses-council-and-parliament-agree-on-new-rules-to-reduce-microplastic-pollution/> (accessed 24 June 2025)
- 111 Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202500040

producers to minimise packaging, restricts single-use packaging for certain products, and bans packaging containing Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)¹¹² above a certain threshold. The Regulation also set out a requirement for Member States to introduce mandatory deposit return schemes for plastic bottles and aluminium cans by 2029.

England

Waste and circular economy are both, for the most part devolved policy competencies in the UK. As such, the level of divergence from EU policy varies across the four UK administrations, though some aspects of this area – such as critical raw materials – fall under reserved powers.

The publication of a 2018 Waste and Resources Strategy for England¹¹³ included commitments to matching and in some cases exceeding EU standards and targets within waste and circular economy policy areas, but despite some legislative development (as outlined below), progress towards these aims has generally been slow.¹¹⁴ The establishment of a Circular Economy Taskforce in November 2024 which is tasked with supporting the UK government's development of a circular economy strategy for England, with its publication slated for autumn 2025,¹¹⁵ may be a sign of renewed impetus in this area.

Despite a commitment in England's 2018 Waste and Resources Strategy to 'match or where economically practicable exceed the ambition of the EU's Ecodesign standards',¹¹⁶ there has been little change to law and policy relating to ecodesign since 2010.¹¹⁷ The **UK Products and Metrology Bill**,¹¹⁸ which is currently undergoing Parliamentary scrutiny, is considered by some as a possible tool for aligning environmental product standards in Great Britain with those from the EU.¹¹⁹

A sustainable products consultation held in 2021 as part of the review of the waste prevention programme for England found support for prioritisation of repair [of products] as well as improved customer information to protect against greenwashing,¹²⁰ but its findings have not led to any new legislation. However, a more progressive move has been made by banning single-use vapes from 1 June 2025 under **The Environmental Protection (Single-use Vapes) (England)**

112 PFAS are a group of over 10,000 chemicals widely referred to as 'forever chemicals' because of their extreme resistance to break-down in the natural environment. Human exposure to PFAS pollution can lead to a variety of ill effects including liver damage, thyroid disease and cancer. Owing to their indestructible nature, PFAS pollution is irreversible.

113 Department for Environment, Food & Rural Affairs and Environment Agency (2018) *Resources and waste strategy for England*, <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

114 Carr, E., Plumpton, H. and Peake, L. (2024) *Getting on track for a circular economy: how the government can avoid mistakes of the past*, Green Alliance, <https://greenalliance.org.uk/publication/getting-on-track-for-a-circular-economy-how-the-government-can-avoid-mistakes-of-the-past/>

115 Reed, S. (2025) 'Building a circular economy: a vision for change', Green Alliance, 16 April, <https://greenallianceblog.org.uk/2025/04/16/building-a-circular-economy-a-vision-for-change/> (accessed 24 June 2025)

116 Department for Environment, Food & Rural Affairs and Environment Agency (2018) *Our waste, our resources: a strategy for England*, <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england> (see pg. 40)

117 The Ecodesign for Energy-Related Products Regulations 2010, <https://www.legislation.gov.uk/uksi/2010/2617/contents>

118 Product Regulation and Metrology Bill [HL], <https://bills.parliament.uk/bills/3752>

119 Nicholson, M. (2025) *Products & Metrology Bill – a briefing for Parliamentarians*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/products-metrology-bill-a-briefing-for-parliamentarians/>

120 Department for Environment, Food & Rural Affairs (2021) *Waste prevention programme for England 2021*, <https://www.gov.uk/government/consultations/waste-prevention-programme-for-england-2021>

Regulations 2024.¹²¹

Approaches to tackling textile and food waste in England have largely revolved around voluntary measures. WRAP's Textiles 2030 aims to reduce carbon and water footprint within the textile supply chain by 50% and 30% respectively by 2030.¹²² There are no mandatory targets for reduction in food waste in England, and a government consultation to introduce such targets promised in the 2018 Resources and Waste Strategy have not taken place. Legislative progress has been limited to **The Separation of Waste (England) Regulations 2025**,¹²³ which will require all workplaces in England to separate food waste. This is augmented by voluntary initiatives and targets such as WRAP's UK Food and Drink Pact, which contains an SDG-aligned aim to reduce per capita food waste by 50%.¹²⁴

The UK Government published a Battery Strategy in November 2023 to build on earlier legislation,¹²⁵ which includes ambitions to increase supply chain sustainability and resilience, explore international cooperation, and ensure that the sector 'develops practical, widely adopted international standards'.¹²⁶ However, these ambitions have not been accompanied by legislation.

Similarly, England's approach to securing critical raw materials, vital for technologies of the future as well as ubiquitous items like mobile phones and electric vehicle batteries has been guided by the creation of a UK Critical Minerals Strategy published in 2022¹²⁷ (with a 2023 'refresh'),¹²⁸ though legislative measures have not been introduced in tandem with this new strategy, nor does it introduce numerical targets for circularity within the CRM supply chain, unlike the EU's CRM law.

England has moved to limit or ban single-use plastics, with straws, cotton bud sticks, and beverage stirrers all prohibited as of October 2020. There were further measures in October 2023, when bans on single-use plastic cutlery, balloon sticks and polystyrene cups and food containers, and restrictions on single-use plastic plates, trays and bowls were also introduced.¹²⁹ A **Deposit Return Scheme for plastic and metal drinks containers** is expected to be implemented in October 2027.¹³⁰

121 *The Environmental Protection (Single-use Vapes) (England) Regulations 2024*, <https://www.legislation.gov.uk/ukdsi/2024/9780348264647>

122 *Waste and Resources Action Programme (undated) 'UK Textiles Pact'*, <https://www.wrap.ngo/taking-action/textiles/initiatives/textiles-2030> (accessed 24 June 2025)

123 *The Separation of Waste (England) Regulations 2025*, <https://www.legislation.gov.uk/ukdsi/2025/140/contents/made>

124 *Waste and Resources Action Programme (undated) 'UK Food and Drink Pact'*, <https://www.wrap.ngo/take-action/uk-food-drink-pact> (accessed 24 June 2025)

125 *The Waste Batteries and Accumulators Regulations 2009*, <https://www.legislation.gov.uk/ukdsi/2009/890/contents>

126 *Department for Business and Trade (2023) UK battery strategy*, <https://www.gov.uk/government/publications/uk-battery-strategy>

127 *Department for Business and Trade and Department for Business, Energy & Industrial Strategy (2022) UK Critical Minerals Strategy*, <https://www.gov.uk/government/publications/uk-critical-mineral-strategy>

128 *Department for Business and Trade (2023) Critical minerals refresh*, <https://www.gov.uk/government/publications/critical-minerals-refresh>

129 *Department for Environment, Food & Rural Affairs (2023) 'Coverage of the introduction of restrictions on a range of single-use plastics'*, 2 October, <https://deframedia.blog.gov.uk/2023/10/02/coverage-of-the-introduction-of-restrictions-on-a-range-of-single-use-plastics/> (accessed 24 June 2025)

130 *Department for Environment, Food & Rural Affairs (2025) 'Deposit Return Scheme: drinks producer and retailer responsibilities'*, 30 January, <https://www.gov.uk/guidance/deposit-return-scheme-drinks-producer-and-retailer-responsibilities> (accessed 24 June 2025)

England introduced an Extended Producer Responsibility (EPR) scheme for packaging in 2025,¹³¹ which obliges producers to bear the costs of managing household packaging waste, ensure a proportion of the packing they supply is recycled, and inform the public about the correct method of disposal. While a positive step, the packaging EPR is less ambitious than the EU's PPWR, for example given that it does not set legally binding targets for packaging waste reduction.

Scotland

Much of Scotland's policy approach to circular economy and waste is outlined within the Circular Economy Route Map published by the Scottish Government in December 2024.¹³² The subsequent publication of such a full Circular Economy Strategy in 2026 is a requirement of the **Circular Economy (Scotland) Act 2024**.¹³³ Scotland should be applauded for its legislative progress and for being the first UK administration to pass a circular economy act.

In promoting the more sustainable design of products, ecodesign, the Circular Economy (Scotland) Act 2024 requires the forthcoming Circular Economy Strategy to consider it economically desirable that 'goods, products and materials are designed so as to reduce their consumption and whole life-cycle carbon emissions',¹³⁴ suggesting a wider ecodesign focus – extending beyond only energy-related products – in future.

Measures to reduce textile and food waste are currently overwhelmingly voluntary (see England Policy Developments section for details on UK-wide voluntary measures), and no new legislation has been introduced in these areas since EU exit. The new Circular Economy Strategy, however, makes repeated suggestions that Scotland will look to align with EU policy in these areas in future. Scotland has not yet set targets in this area, though waste reduction targets are required under the Circular Economy Act.

In other areas of circular economy, Scotland is aiming for broadly the same policy objectives as England. Scotland has also moved to ban single-use vapes from 1 June 2025 under **The Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024**.¹³⁵ Scotland is also now aligned with England regarding the introduction of a Deposit Return scheme for plastic and metal drinks containers in October 2027, after initially wanting to implement such a scheme in 2023, but being blocked by the demands of the UK's 2020 Internal Market Act. Additionally, The Scottish Government introduced an EPR scheme for packaging in 2025 alongside England, as required by **The Environment Act 2021 and Packaging Regulations 2024**.¹³⁶

131 Department for Environment, Food & Rural Affairs (2025) 'Extended producer responsibility for packaging: local authority payments', 28 March, <https://www.gov.uk/guidance/extended-producer-responsibility-for-packaging-local-authority-payments> (accessed 24 June 2025)

132 Environment and Forestry Directorate (2024) Scotland's circular economy and waste route map to 2030, <https://www.gov.scot/publications/scotlands-circular-economy-waste-route-map-2030/>

133 Circular Economy (Scotland) Act 2024, <https://www.legislation.gov.uk/asp/2024/13>

134 Ibid.

135 The Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024, <https://www.legislation.gov.uk/sdsi/2024/9780111060315/contents>

136 The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024, <https://www.legislation.gov.uk/ukdsi/2024/9780348264654/contents>

Similarly to England, Scotland's policy approach for batteries is limited to **The Waste Batteries (Scotland) Regulations 2009**,¹³⁷ which implemented the EU's Battery Directive 2006. Since EU exit, only the 2023 UK-wide Battery Strategy has been published in this area, and no accompanying legislation. Falling under reserved powers, the UK's Critical Mineral Strategy also applies to Scotland.

Scotland's ban on single-use plastics under **The Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021** was developed to mirror the restrictions introduced by the EU,¹³⁸ thereby encompassing plastic drink stirrers, cotton bud sticks, straws, plates, cutlery, balloon sticks, and food and drink containers. However, Scotland has not followed the EU's lead in banning oxo-degradable plastics.

Wales

In 2021, Wales published its ambitious circular economy strategy, *Beyond Recycling*,¹³⁹ which sets clear waste and circular economy targets. Its recycling rates are the highest in the UK and rank second globally, behind only Austria.¹⁴⁰

As is the case for England and Scotland, Welsh legislation within ecodesign is limited to **The Ecodesign for Energy-Related Products Regulations 2010** and does not address non-energy-related products. However, the Welsh circular economy strategy contains commitments to incentivise ecodesign, including through the Circular Economy Fund (2019-2022)¹⁴¹ and presently through Flexible Innovation Support funding.¹⁴²

Legislation tackling food and textile waste in Wales includes **The Waste Separation Requirements (Wales) Regulations 2023**,¹⁴³ which mandates that all Welsh businesses that produce over 5kg of food waste per week must separate this, as well as unsold textiles, for collection. The Welsh circular economy strategy outlines targets to halve avoidable food waste by 2025 and cut it by 60% by 2030, with a view to being a zero-waste nation by 2050.¹⁴⁴ However, these targets are not legally binding. Wales is also part of UK-wide voluntary textile and food waste reduction measures, as outlined in the England Policy Developments section above.

Regarding single-use plastics, Wales took the same approach as Scotland in following the EU's lead in restrictions and bans through **The Environmental Protection (Single-use Plastic**

137 *The Waste Batteries (Scotland) Regulations 2009*, <https://www.legislation.gov.uk/ssi/2009/247>

138 Smith, L. (2022) 'Single use plastic: How do bans differ across the UK and EU?', House of Commons Library, 22 February, <https://commonslibrary.parliament.uk/single-use-plastic-how-do-bans-differ-across-the-uk-and-eu/> (accessed 24 June 2025)

139 Welsh Government (2021) *Beyond recycling*, <https://www.gov.wales/beyond-recycling>

140 Eunomia (2024) *Global Recycling League Table – Phase One Report*, <https://eunomia.eco/reports/global-recycling-league-table-phase-one-report/>

141 *Waste and Resources Action Programme (undated) 'Circular Economy Fund'*, <https://www.wrap.ngo/taking-action/grants> (accessed 24 June 2025)

142 *Business Wales (undated) 'SMART Flexible Innovation Support (FIS)'*, <https://businesswales.gov.wales/topics-and-guidance/develop-innovative-ideas-organisations-products-or-services/support-and-funding/smart-flexible-innovation-support-fis> (accessed 24 June 2025)

143 *The Waste Separation Requirements (Wales) Regulations 2023*, <https://www.legislation.gov.uk/wsi/2023/1290/contents/made>

144 Welsh Government (2021) *Beyond recycling*, <https://www.gov.wales/beyond-recycling>

Products) (Wales) Act 2023.¹⁴⁵ Phase 1 of the ban included single-use plastic plates, cutlery, drinks stirrers, food containers, balloon sticks, cotton bud sticks and straws. In 2026, Wales will further extend the ban to cover plastic carrier bags, polystyrene lids, and oxo-degradable plastics,¹⁴⁶ going further than Scotland in this area and leading the way amongst the four UK administrations. Wales will not be joining the Deposit Return Scheme slated to launch in the rest of the UK in 2027, instead preferring to launch its own version additionally including glass drinks containers at a later date.¹⁴⁷

In other areas of circular economy policy, Wales has aimed for similar policy objectives to England and Scotland, including banning single-use vapes from 1 June 2025 under **The Environmental Protection (Single-use Vapes) (Wales) Regulations 2024.**¹⁴⁸ As in England, the Welsh policy approach for batteries is currently limited to **The Waste Batteries and Accumulators Regulations 2009.**¹⁴⁹ The UK's Critical Mineral Strategy also applies to Wales. Alongside the rest of the UK, the Welsh Government introduced an EPR scheme for packaging in 2025.

Northern Ireland

In Northern Ireland the **Circular Economy and Miscellaneous Provisions Act 2022** required the Northern Ireland Executive to publish a circular economy strategy, however, this has not yet been finalised. A consultation on a draft version of the document was conducted in early 2023, in part a result of the Executive not being in operation for an extended period, which caused delays to policymaking in general. The Northern Ireland Executive's Programme for Government¹⁵⁰ published in February 2025 contains a new commitment to publishing this strategy within the government's current term.

Certain aspects of circular economy policy in Northern Ireland fall under Annex 2 of the Northern Ireland Protocol¹⁵¹ and as such are aligned with the EU. For example, Northern Ireland is required to transpose various articles from the EU's 2019 **Single-use Plastics Directive**, including the bans on single-use plastic cotton bud sticks, cutlery, plates, stirrers, straws, balloon sticks, food and beverage containers, and oxo-degradable plastics. This is expected to be implemented by the end of 2025.¹⁵² Additionally, the EU's 2023 **Batteries Regulation** falls under

145 *The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023*, <https://www.legislation.gov.uk/asc/2023/2/contents>

146 Welsh Government (2023) 'The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023', 1 November, <https://www.gov.wales/environmental-protection-single-use-plastic-products-wales-act> (accessed 24 June 2025)

147 Deans, D. (2024) 'No date for bottle returns as Wales exits UK scheme', BBC News, 18 November, <https://www.bbc.co.uk/news/articles/c3rx3v95rv5o> (accessed 24 June 2025)

148 *The Environmental Protection (Single-use Vapes) (Wales) Regulations 2024*, <https://www.legislation.gov.uk/wsi/2024/1324/contents/made>

149 *The Waste Batteries and Accumulators Regulations 2009*, <https://www.legislation.gov.uk/uksi/2009/890/contents>

150 Northern Ireland Executive (2025) Programme for Government 2024-2027 'Our Plan: Doing What Matters Most', <https://www.northernireland.gov.uk/publications/programme-government-2024-2027-our-plan-doing-what-matters-most-documents>

151 Department for Exiting the European Union (2019) Revised Protocol to the Withdrawal Agreement, <https://www.gov.uk/government/publications/new-protocol-on-ireland-northern-ireland-and-political-declaration>

152 Department of Agriculture, Environment and Rural Affairs (2025) 'Waste Policy Tracker', April, <https://www.daera-ni.gov.uk/topics/waste-policy-tracker> (accessed 24 June 2025)

the Protocol and thus is applicable to Northern Ireland,¹⁵³ which is in the process of gradually implementing it over the next ten years.¹⁵⁴

Various other areas of circular economy policy are not covered by the Protocol, and in many of these areas, Northern Ireland mirrors the rest of the UK. This includes the country joining the rest of the UK in banning single-use vapes from 1 June 2025, the Northern Ireland Executive's introduction of an EPR scheme for packaging in 2025, Northern Ireland joining England and Scotland in the new Deposit Return Scheme planned to enter into force in October 2027, and Northern Ireland being covered by the UK's Critical Mineral Strategy. Northern Ireland has not yet developed a strategy to reduce food and textile waste, though it is part of UK-wide voluntary textile and food waste reduction measures, as outlined in the England Policy Developments section above.

Ecodesign legislation in Northern Ireland is limited to **The Ecodesign for Energy-Related Products Regulations 2010**. However, parts of the EU's ESPR are likely to fall under the Protocol and as such Northern Ireland manufacturers may need to apply any new ecodesign requirements to non-energy-related products that fall under the scope of the regulation.¹⁵⁵

153 Department of Agriculture, Environment and Rural Affairs (undated) 'Batteries - Implementation of the EU Batteries Regulation', <https://www.daera-ni.gov.uk/articles/batteries-implementation-eu-batteries-regulation> (accessed 24 June 2025)

154 Ibid.; Department of Agriculture, Environment and Rural Affairs (2025) 'Waste Policy Tracker', April, <https://www.daera-ni.gov.uk/topics/waste-policy-tracker> (accessed 24 June 2025)

155 Northern Ireland Assembly (2024) Published Replacement EU Act Initial Assessment of Impact, <https://www.niassembly.gov.uk/globalassets/documents/committees/2022-2027/windsor-framework-democratic-scrutiny/published-eu-acts/regulation-eu-20241781/dfe-initial-assessment-of-impact.pdf>

Divergence Summary Circular Economy & Waste

In contrast to other policy themes covered in this report, circular economy and waste is a prominent example of how much divergence in policy and legislation can take place in only five years.

The UK, in broad terms, has been passively diverging from the EU on circular economy policy and has failed to keep pace with new legislative developments in the EU. Despite some promising developments in the UK, rhetoric from successive governments has not matched the urgency and seriousness that the EU appear to have shown this policy area. Though measures taken by the EU may not go far enough for some, they only serve to highlight the stasis, particularly in England, that has existed in waste and circular economy policy since Brexit.

Changes for example to ecodesign-related rules are particularly significant and consequential, as the EU has opted to expand the coverage of ecodesign legislation that both the EU and UK shared before Brexit to cover non-energy related products. If the UK does not align with these stricter rules, it runs the risk of becoming a potential dumping ground for sub-standard products that do not meet EU requirements.

A programme staffed by technical experts has now been convened by the EU member states to implement new ecodesign laws and this adds pressure on the UK to consider whether it will conform to higher standards set by the EU.¹⁵⁶

Likewise, the UK has not matched the EU's suite of legislation on areas such as product repair, product liability and green claims.

Where the UK shares the EU's broad concerns about securing critical raw materials for the technologies of the future, the UK has not matched the EU's example by putting in place legislation to mandate improvements in the efficiency, recyclability and resource content of batteries, or on how to secure those CRM themselves. Instead, the UK has favoured a non-binding, non-legislative approach by introducing a policy strategy documents instead which lack the 'bite' that a legislative approach has.

In tackling the scourge of single-use plastics, the UK is broadly aligned with EU legislation, though Wales and Northern Ireland (once it completes implementation of the EU's Single-use Plastics Directive) have additionally followed the EU in moving to ban oxo-degradable plastics, a particularly troublesome and damaging form of plastic pollution to humans and the environment. However, looking ahead, the EU's aim to tackle pollution from plastic pellets appears to indicate that further divergence in policy and legislation will take place.

¹⁵⁶ Watkins, E. (2025) 'The new Ecodesign Forum begins its work', Institute for European Environmental Policy, 20 March, <https://ieep.eu/news/the-new-ecodesign-forum-begins-its-work/> (accessed 24 June 2025)

5 CLIMATE CHANGE



EU

The EU's broad, long-term goal of reaching net zero by 2050 remains the same as the UK's, however, its intermediate headline target of reducing emissions by at least 55% by 2030, compared to 1990 levels is less stretching than the UK's target (68% by 2030). The European Commission has announced though that the 2030 climate and energy plans (see Commission Communication on National Energy and Climate Plans)¹⁵⁷ indicate that collectively the EU is very close to achieving the 55% reduction in greenhouse gas emissions despite doubts being expressed by onlookers.¹⁵⁸

The EU's route from the 2030 target to the 2050 target is somewhat uncertain, however.¹⁵⁹ The European Commission's recommendation to reduce emissions by 90% by 2040¹⁶⁰ has been met with backlash¹⁶¹ – while some Member States support it, others have raised concerns about its impact on industrial competitiveness especially in the wake of tariffs imposed by the United States.¹⁶² In response, the Commission has reportedly been considering measures to increase flexibility, such as allowing international carbon credits or carbon removal to be counted

157 European Commission COM/2025/274 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025DC0274&qid=1749138488640>

158 Climate Action Tracker (2024) 'EU', 21 November, <https://climateactiontracker.org/countries/eu/> (accessed 08/05/2025)

159 At the time of writing, a formal proposal which is expected from the European Commission has not been published.

160 European Commission (2024) 'Commission presents recommendation for 2040 emissions reduction target to set the path to climate neutrality in 2050' Press Release, 6 February, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_588 (accessed 1 April 2025)

161 Mathiesen, K. (2025) 'EU exploring weaker 2040 climate goal', Politico, 31 March, <https://www.politico.eu/article/eu-exploring-weaker-2040-climate-goal-90-greenhouse-gas-cut-wopke-hoekstra/> (accessed 3 April 2025)

162 Abnett, K. (2025) 'EU countries divided over bloc's next climate goal', Reuters, 29 April, <https://www.reuters.com/sustainability/cop/finland-backs-eu-goal-slash-emissions-90-by-2040-2025-04-29/> (accessed 8 May 2025)

in emissions reductions targets.¹⁶³ Amidst these deliberations, the EU has delayed the 2040 climate target proposal and missed the deadline to deliver their 2035 Nationally Determined Contribution Target (which would be linked to the 2040 target).¹⁶⁴

Nonetheless, and despite this wider context, the EU has successfully managed to pass several key pieces of legislation since the UK's departure, mainly through the 'fit for 55' package aimed at meeting the 2030 interim target.¹⁶⁵ Regarding energy, the revised EU **Renewable Energy Directive**¹⁶⁶ aims for renewables to account for 42.5% of the EU's energy consumption by 2030 (the previous target was 32%), with an ambition to reach 45%. It targets sectors such as transport, buildings and industry where the uptake of renewables has been slower. The EU has also revised its **Energy Efficiency Directive**,¹⁶⁷ introducing a new binding target to reduce the EU's final energy consumption by 11.7% by 2030 with Member States required to set national contributions, and increases annual energy savings from 2024-2030 by an average of 1.49% per year.¹⁶⁸ Other changes include measures to reduce energy consumption in the public sector and requiring Member States to prioritise vulnerable households.¹⁶⁹ The UK on the other hand has stated an ambition to reduce energy demand by a more ambitious 15% by 2030,¹⁷⁰ although unlike the EU it has not stipulated this in legislation.

Further divergence comes from the revised **Energy Performance of Buildings Directive**¹⁷¹ which is aimed at achieving a fully decarbonised building stock by 2050. It also sets a 2030 target to reduce greenhouse gas emissions in the buildings sector by at least 60% compared to 2015. The UK has not adopted these changes and still follows the previous iteration of the Directive.¹⁷² The EU is reportedly considering revising its energy policy to support struggling businesses,¹⁷³ and

¹⁶³ Mathiesen, 2025

¹⁶⁴ Abnett, K. and Van Campenhout, C. (2025) 'EU delays 2040 climate target proposal beyond Q1', Reuters, 21 March, [https://www.reuters.com/sustainability/climate-energy/eu-delay-2040-climate-target-proposal-beyond-q1-commission-2025-03-21/#:~:text=BRUSSELS%2C%20March%2021%20\(Reuters\),2040%2C%20it%20said%20on%20Friday](https://www.reuters.com/sustainability/climate-energy/eu-delay-2040-climate-target-proposal-beyond-q1-commission-2025-03-21/#:~:text=BRUSSELS%2C%20March%2021%20(Reuters),2040%2C%20it%20said%20on%20Friday). (accessed 8 May 2025)

¹⁶⁵ European Council (2025) 'Fit for 55', 17 March, <https://www.consilium.europa.eu/en/policies/fit-for-55#:~:text=The%20Fit%20for%2055%20package%20is%20a%20set%20of%20laws,just%20and%20socially%20fair%20transition> (accessed 15 May 2025)

¹⁶⁶ Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652, 2023, <https://eur-lex.europa.eu/eli/dir/2023/2413/oj/eng>

¹⁶⁷ Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/65, <https://eur-lex.europa.eu/eli/dir/2023/2413/oj/eng>

¹⁶⁸ European Commission Directorate-General for Energy (2023) 'New Energy Efficiency Directive published', 20 September, https://energy.ec.europa.eu/news/new-energy-efficiency-directive-published-2023-09-20_en (accessed 8 May 2025)

¹⁶⁹ Ibid.

¹⁷⁰ UK Department for Business, Energy & Industrial Strategy et al. (2022) 'UK government takes major steps forward to secure Britain's energy independence', Press Release, 29 November, <https://www.gov.uk/government/news/uk-government-takes-major-steps-forward-to-secure-britains-energy-independence> (accessed 8 May 2025)

¹⁷¹ Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast), <https://eur-lex.europa.eu/eli/dir/2024/1275/oj/eng>

¹⁷² Warren, A. (2024) 'Are post-Brexit building standards lacking energy?', Institute for European Environmental Policy UK, 23 July, <https://ieep.uk/news/in-april-the-official-journal-of-the-european-union-published-the-full-details-of-the-fourth-iteration-of-the-blocs-energy-performance-of-buildings-directive-epbd-in-this-blog-andrew-warr/> (accessed 8 May 2025)

¹⁷³ Jack, V. (2025) 'EU aims 'simplification' sledgehammer at green energy laws', Politico, 3 April, <https://www.politico.eu/article/eu-simplification-green-energy-laws/> (accessed 3 April 2025)

a 2021 proposed revision of the **Energy Taxation Directive**,¹⁷⁴ which would see fuels being taxed based on their environmental performance and energy content instead of volume, is still under debate due to concerns about higher fuel prices.¹⁷⁵

The EU's revised 2024 **Methane Regulation**¹⁷⁶ requires the fossil gas, oil and coal sectors to measure, monitor, report and verify their methane emissions, and take action to reduce them. It also progressively implements stricter requirements on imported fossil fuels with the ambition that they will eventually be subject to the same monitoring, reporting and verification as providers inside the EU.

The EU has amended the **Regulation on CO₂ Emissions for new Cars and Vans**,¹⁷⁷ which will ban the sale of new petrol and diesel cars from 2035, although the EU has been introducing greater flexibility on the 2025-2027 reduction targets within this Regulation in response to backlash from industry and parties in the European Parliament.

Finally, and perhaps of most significance, the EU has expanded the scope of the **Emissions Trading System (ETS)**,¹⁷⁸ to the maritime sector covering emissions from large ships entering EU ports regardless of where they come from or whose flag they fly. On aviation, the process of reducing ETS allowances for the aviation sector is well underway with no free allowances to be given from 2026 onwards. The geographical restriction of the ETS to intra-EEA flights will continue however until at least the start of 2027. Furthermore, the EU has extended the scope of the ETS - **ETS 2**¹⁷⁹ will cover additional sectors including fuel combustion in buildings and road transport and will start in earnest from 2027. Revenue from ETS 2 will be directed towards a new **Social Climate Fund**,¹⁸⁰ designed to assist emissions reductions and energy efficiency improvements. To mitigate against the risk of carbon leakage, the EU also introduced a new Regulation on a Carbon Border Adjustment Mechanism (CBAM)¹⁸¹ in 2023. This aims to capture 50% of emissions covered by the ETS and applies to several carbon intensive industries (see [Table 1](#)). As of now, these developments represent a significant divergence from the UK ETS, which does not currently cover these new sectors or have a fund designed to transfer ETS revenue,

174 European Commission (n.d.) 'Revision of the Energy Taxation Directive' https://taxation-customs.ec.europa.eu/taxation/excise-taxes/revision-energy-taxation-directive_en (accessed 8 April 2025)

175 Gavin, G. (2024) 'EU countries dilute fuel tax hike as green anger mounts' Politico, 24 April, <https://www.politico.eu/article/european-union-fuel-tax-energy-taxation-directive/> (accessed 8 April 2025)

176 Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942, 2024, <https://eur-lex.europa.eu/eli/reg/2024/1787/oj/eng>

177 Regulation (EU) 2023/851 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2019/631 as regards strengthening the CO₂ emission performance standards for new passenger cars and new light commercial vehicles in line with the Union's increased climate ambition, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32023R0851>

178 European Commission (n.d.) 'EU ETS' https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets_en (accessed 3 April 2025)

179 European Commission (n.d.) 'ETS2: buildings, road transport and additional sectors' https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets/ets2-buildings-road-transport-and-additional-sectors_en (accessed 3 April 2025)

180 Regulation (EU) 2023/955 of the European Parliament and of the Council of 10 May 2023 establishing a Social Climate Fund and amending Regulation (EU) 2021/1060, 2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:%3A02023R0955-20240630>

181 Regulation (EU) 2023/955 of the European Parliament and of the Council of 10 May 2023 establishing a Social Climate Fund and amending Regulation (EU) 2021/1060, 2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:%3A02023R0955-20240630>

although it has introduced its own CBAM scheme. However, as explained below, the ‘UK-EU Reset’ talks in May 2025 indicated some further desire towards linking age of their respective ETS and CBAM schemes.

UK

Despite the UK having a more ambitious target of reducing emissions (by 68% by 2030 compared to 1990 levels) than the overall EU target (55% by 2030 compared to 1990 levels), the Climate Change Committee (CCC) have reported that there has been insufficient progress to achieve 2030 target citing (in particular the last Government’s) backtracking on policy, delays and a slowing down of key policy measures such as the phase-out dates for fossil-fuel vehicles.¹⁸² Despite this, the CCC were at pains to stress that the UK had met all of its Carbon Budgets to date, including the third and most recent one (2018-2022), and that emissions are now less than half of 1990 levels. However much of this is due to the decline of coal and the increase in renewables whereas emission reduction efforts in other areas such as transport, agriculture and land use, buildings have been harder to achieve.

Nevertheless, the UK has submitted its **Nationally Determined Contribution**¹⁸³ by the deadline, with an ambitious new target to reduce emissions to 81% below 1990 levels by 2035.¹⁸⁴ It is also worth noting that Scotland has a target to reach Net Zero by 2045, five years ahead of the other UK nations and the UK as a whole.

In 2024, the incoming Labour government announced new policy to support the transition to net zero, including the **Great British Energy Bill**,¹⁸⁵ passed by Parliament in May 2025,¹⁸⁶ which aims to create a publicly owned company to assist and support investment in clean energy. Furthermore, the **Clean Power 2030 Action Plan**¹⁸⁷ commits the UK to delivering clean power by 2030. While the target under this Plan for clean sources to produce at least as much power as the UK’s consumption by 2030 is arguably more ambitious than the EU’s target under the Renewable Energy Directive, it should be noted that the definition of ‘clean power’ includes nuclear energy and low carbon technologies such as gas with carbon capture and storage as well as renewables.

The EU passed, in 2024, a new law to tackle methane emissions opening up new legislative divergence with the UK. A House of Lords Committee on Environment and Climate Change published a report in December 2024 urging the UK to build on efforts made at COP26 in Glasgow

182 Climate Change Committee (2024) ‘Progress towards reaching Net Zero in the UK’, July, <https://www.theccc.org.uk/climate-action/uk-action-on-climate-change/progress-snapshot/> (accessed 3 April 2025)

183 Essentially, this is the UK Government’s pledge to the wider international community through the United Nations COP process and is part of the 2015 Paris Agreement.

184 UK Government Department for Energy Security & Net Zero (2025) UK’s 2035 Nationally Determined Contribution (NDC) emissions reduction target under the Paris Agreement <https://www.gov.uk/government/publications/uks-2035-nationally-determined-contribution-ndc-emissions-reduction-target-under-the-paris-agreement>

185 UK Parliament (2025) Great British Energy Bill <https://bills.parliament.uk/bills/3738>

186 UK Department for Energy Security and Net Zero and The Rt Hon Ed Miliband MP (2025) ‘Great British Energy legislation passes through Parliament’, Press Release, 15 May, <https://www.gov.uk/government/news/great-british-energy-legislation-passes-through-parliament> (accessed 15 May 2025)

187 UK Government Department for Energy Security & Net Zero (2024) Clean Power 2030 Action Plan <https://www.gov.uk/government/publications/clean-power-2030-action-plan>

in 2021 and develop a national methane action plan. The Committee did however recognise that the UK has a strong track record of reducing methane emissions generally (a 62% reduction from 1990 to 2020) but that further action to tackle the more challenging emissions that remain is needed including further possible regulation.¹⁸⁸

The UK Government has recently confirmed that the ban on the sale of new petrol and diesel cars will be brought forward from 2035 to 2030, reversing the previous Government's delay to this headline phase out date. Changes to the **Zero Emission Vehicle Mandate** have also been made.¹⁸⁹ Similar to EU developments, the updated mandate also introduces greater flexibility on the phase out of petrol and diesel cars, such as allowing hybrid cars to be sold until 2035, in response to concerns from industry.

Despite some differences (noted below), broadly speaking, there has been legislative and policy alignment since Brexit between the EU and UK's respective Emissions Trading Scheme systems and **Carbon Border Adjustment Mechanism**¹⁹⁰ policy. At the UK-EU 'Reset' summit on the 19 May 2025, both sides agreed that it would work together to formally link the ETS and CBAM systems. Since Brexit, the UK's carbon price has been consistently lower than its EU equivalent.¹⁹¹ For the UK side, establishing its own CBAM in 2023 and now desiring the linking of ETS and CBAMs, is in part motivated by a desire to avoid UK businesses being levied the cost of fees¹⁹² based on a UK carbon price that is substantially lower than the EU's.¹⁹³

Though there is broad alignment in ETS policy, there are some differences. The UK has consulted on expanding its ETS system to apply to emissions from the maritime sector (as well as recognise non-pipeline transport methods for transferring captured carbon to geological storage)¹⁹⁴ but it has not yet formally made this change, unlike the EU. Neither has the UK introduced changes as the EU has done under **ETS 2** though both the EU and UK have adopted broadly the same position on aviation, namely the winding down of free allocation of allowances, inclusion of flights in the European Economic Area but exclusion of non-EEA, international flights.

188 UK Environment and Climate Change Committee (2024) Methane: keeping up momentum, <https://committees.parliament.uk/committee/515/environment-and-climate-change-committee/news/204271/uk-must-keep-up-momentum-on-cutting-methane-emissions-at-home-and-demonstrate-international-leadership/>

189 UK Government Department for Transport et al. (2025) 'Backing British business: Prime Minister unveils plan to support carmakers', Press Release, 6 April, <https://www.gov.uk/government/news/backing-british-business-prime-minister-unveils-plan-to-support-carmakers> (accessed 8 April 2025)

190 UK Government HM treasury and Department for Energy Security & Net Zero (2023) Factsheet: UK Carbon Border Adjustment Mechanism <https://www.gov.uk/government/consultations/addressing-carbon-leakage-risk-to-support-decarbonisation/outcome/factsheet-uk-carbon-border-adjustment-mechanism>

191 The Institute for Energy Economics and Financial Analysis, Low UK carbon pricing causes £2.9 billion in lost revenues over two years, 06 March 2025, <https://ieefa.org/articles/low-uk-carbon-pricing-causes-ps29-billion-lost-revenues-over-two-years>

192 UK Cabinet Office (2025) UK-EU Summit – Explainer, <https://www.gov.uk/government/publications/ukey-summit-key-documentation>

193 Born, C. and Reland, J. (2024) UK-EU climate and energy relations, UK in a Changing Europe, <https://ukandeu.ac.uk/reports/uk-eu-climate-and-energy-relations/>

194 UK Government Department for Energy Security & Net Zero et al. (2024) Expanding and strengthening the UK Emissions Trading Scheme <https://www.gov.uk/government/news/expanding-and-strengthening-the-uk-emissions-trading-scheme>

Table 2 Sectors within scope of the EU and UK's CBAM¹⁹⁵

Sector	EU CBAM	UK CBAM
Aluminium	✓	✓
Cement	✓	✓
Electricity	✓	✗
Fertilisers	✓	✓
Hydrogen	✓	✓
Iron & Steel	✓	✓

Furthermore, some tensions remain regarding whether the EU or the UK's CBAM would apply to Northern Ireland,¹⁹⁶ which is currently only subject to the EU ETS for electricity. If the UK CBAM applies in Northern Ireland, it could be used as a route for UK goods to enter the EU without paying the CBAM tariff. However, attempts to impose the EU's CBAM in Northern Ireland may be challenged by the UK due to the trade frictions it would cause between Great Britain and Northern Ireland. These concerns may be rendered moot should there be a successful conclusion to linking ETS and CBAM systems as discussed above.¹⁹⁷

Scotland

Scotland had previously set ambitious annual and interim targets, including a target of reducing emissions by 75% by 2030 under the **Climate Change (Scotland) Act 2009**.¹⁹⁸ However, Scotland's ability to reach these targets had been increasingly called into question,¹⁹⁹ with annual climate targets having been missed in 9 of 13 years. In 2024, the Scottish Parliament passed the **Climate Change (Emissions Reduction Targets) (Scotland) Act**²⁰⁰ to remove these annual targets as well as the 2030 and 2040 interim targets and instead adopt the five-year system of carbon budgets that other UK nations have adopted. Scotland's first carbon budgets are expected soon,

195 The UK's CBAM originally proposed the inclusion of ceramics and glass, however an update in April 2025 stated that these sectors would not be covered in 2027: HM Treasury (2025) Factsheet: Carbon border adjustment mechanism, <https://www.gov.uk/government/publications/factsheet-carbon-border-adjustment-mechanism-cbam/factsheet-carbon-border-adjustment-mechanism#sectors-and-products-initially-in-scope-of-the-uk-cbam>

196 Ibid; Delivorias, A. (2023) Post-Brexit EU-UK relations on energy and climate, European Parliamentary Research Service, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2023\)749801](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2023)749801); Energy UK (2025) 'Borderline Confusion: Carbon Border Adjustment Mechanisms in Northern Ireland' 29 January, <https://www.energy-uk.org.uk/publications/border-line-confusion-carbon-border-adjustment-mechanisms-in-northern-ireland/> (accessed 3 April 2025); Born and Reland, 2025

197 UK Cabinet Office (2025) UK-EU Summit – Common Understanding, <https://www.gov.uk/government/publications/ukey-summit-key-documentation>

198 Climate Change (Scotland) Act 2009, <https://www.legislation.gov.uk/asp/2009/12/contents>

199 UK Climate Change Committee (2024) 'Scotland's 2030 climate goals are no longer credible', 20 March, <https://www.theccc.org.uk/2024/03/20/scotlands-2030-climate-goals-are-no-longer-credible/> (accessed 17 June 2025)

200 Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, <https://www.legislation.gov.uk/asp/2024/15/contents/enacted>

with the CCC highlighting that if their proposed budgets are adopted, Scotland will have a credible pathway to reaching net zero by 2045.²⁰¹ Scotland already has its own Just Transition Commission which was established in 2019.²⁰²

Wales

Wales has been setting its own 5 yearly carbon budgets since the 2016 Environment (Wales) Act however subsequently amended its net zero target (from an 80% reduction to 100% reduction) through **The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021**.²⁰³ Wales also held a consultation on a Just Transition Framework from 2023-2024,²⁰⁴ although no legislative developments have emerged at the time of writing.

Northern Ireland

Northern Ireland's 2022 **Climate Change Act**²⁰⁵ enshrined into law the target of reaching net zero by 2050, with an interim target of a 48% emission reduction by 2030. The Act requires Northern Ireland to set five-year carbon budgets too though it includes sectoral targets (for energy, industrial processes, transport, infrastructure, waste management, agriculture and fisheries) which is slightly different than the other UK nations. These sectoral plans must also support the Just Transition Commission for Northern Ireland, another key feature of the Act.

201 UK Climate Change Committee (2025) Scotland's Carbon Budgets, <https://www.theccc.org.uk/publication/scotlands-carbon-budgets/>

202 Just Transition Commission (n.d.) 'About the Commission', <https://www.justtransition.scot/the-commission/> (accessed 17 June 2025)

203 Welsh Government (2021) The Climate Change (Wales) Regulations 2021: integrated impact assessment, <https://www.gov.wales/climate-change-wales-regulations-2021-integrated-impact-assessment-html>

204 Welsh Government (2024) 'Just Transition Framework', 17 June, <https://www.gov.wales/just-transition-framework> (accessed 17 June 2025)

205 Climate Change Act (Northern Ireland) 2022, <https://www.legislation.gov.uk/nia/2022/31/contents/enacted>

Divergence Summary Climate Change

Whilst the UK and EU share the overall 2050 net zero target, both are beginning to employ somewhat different approaches in how to get there. Since the UK's departure from the EU, the European Union has been active in creating new climate change related law; either by producing wholly new law that the UK has not been a party to (such as the Social Climate Fund), or amending (and usually tightening up) existing laws that the UK had helped to shape and which it had implemented when it was a member (examples include the Energy Efficiency Directive and the Renewable Energy Directive).

The EU has legislated to tackle methane emissions, a particularly potent greenhouse gas and developed further its emissions trading scheme by widening its scope. The UK on the other hand has (re-)established its 2030 target date for the phase out of the internal combustion engine compared with the EU's 2035 and has gone further and faster in deploying renewable energy technologies (over and above the EU average).

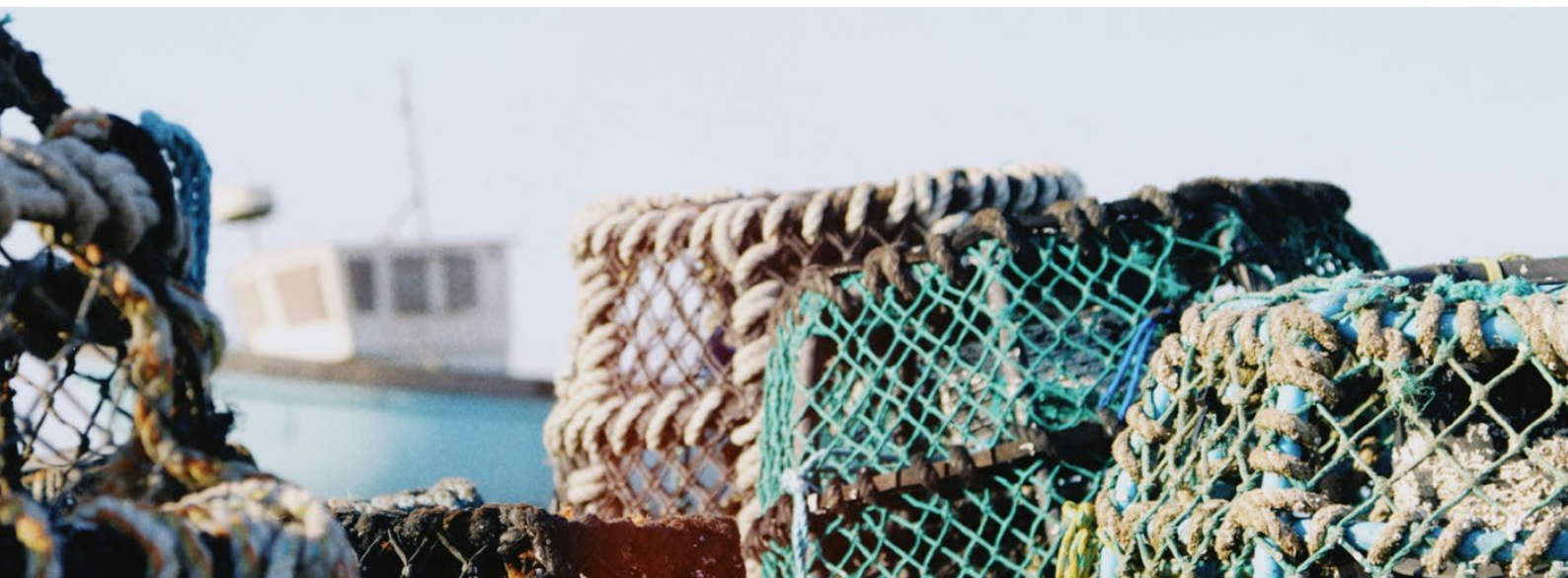
Taken together, changes to climate related policy represents one of the most significant areas of divergence between the EU and UK post Brexit, despite the same broad, long-term goal of reaching net zero by 2050. Most of the changes also represent a 'divergence by default' (or passive divergence) whereby the EU has legislated and the UK has chosen not to replicate or keep pace with what the EU is doing.

However, it should be recognised that emissions are falling and have fallen significantly in both the UK and EU since 1990 (and since Brexit). This has been driven largely by changes in the energy sector. The growth in the deployment of renewables has increased dramatically in this period and has often replaced dirtier fossil fuels like coal and to a lesser extent oil and gas. Future (and further) emissions reductions for the UK as well as the EU will need to come from other challenging and far harder sectors to decarbonise such as around heating, transport, and the land use and agriculture sectors.

It remains to be seen whether recent changes to EU law, once they are fully implemented, will mean that the EU reaches its net zero target more quickly and efficiently (and perhaps at lower cost) than the UK.

Finally, on intra-UK divergence, though each of the four nations share the same long-term goal of net zero there are some differences. The establishment of Just Transition bodies to monitor and advise Government on how to 'cushion' the effect of societal changes caused as a result of the shift from a fossil fuel-based economy to net zero, features in all but England. In Scotland, despite recently switching from annual based climate targets to a 5 yearly carbon budget approach as adopted in the three other nations, still retains a 2045 target to reach net zero, five years ahead of the other nations. However, Climate Change Committee assessments point to the need for timely implementation of climate change plans to ensure net zero goals are reached – something that is common for all four nations.

6 MARINE



EU

The EU's approach to marine conservation since the UK's exit is outlined in its 2023 Marine Action Plan, which seeks to align fisheries policy more closely with the EU's overarching biodiversity goals and reiterates the need for Member States to comply with existing responsibilities under the 1992 **Habitats Directive**.²⁰⁶ To this end, the plan includes a commitment to ban bottom trawling in marine protected areas (MPAs) by 2030. However, the EU has been slow to act on this goal, owing primarily to a lack of political will within individual Member States; not a single EU country yet has a comprehensive plan to phase out bottom trawling in their MPAs,²⁰⁷ though some, such as Sweden,²⁰⁸ have signalled their intention to take further action.

Moving towards a full ban on this environmentally destructive practice in MPAs will be critical in meeting the bloc's responsibilities and targets under both the EU Biodiversity Strategy for 2030 and the Kunming-Montreal Global Biodiversity Framework. Environmentally destructive bottom trawling continues to be widespread across the EU's marine Natura 2000 protected areas, with research published in 2025 finding that it is still taking place in 77% of France's, 85% of

206 Action plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries, https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp/action-plan-protecting-and-restoring-marine-ecosystems-sustainable-and-resilient-fisheries_en

207 ClientEarth (2025) 'UNOC countdown: Fresh legal challenge over untackled bottom-trawling in EU Marine Protected Areas', Press release, 3 June, <https://www.clientearth.org/latest/press-office/press-releases/unoc-countdown-fresh-legal-challenge-over-untackled-bottom-trawling-in-eu-marine-protected-areas/> (accessed 24 June 2025)

208 Oceana (2016) 'Oceana backs Sweden's move to protect the Kattegat', Press Release, 21 June, <https://europe.oceana.org/press-releases/oceana-backs-swedens-move-protect-kattegat/> (accessed 24 June 2025)

Germany's and 44% of Italy's sites.²⁰⁹ This comes despite the legal protections afforded to these Natura 2000 sites under the 1992 Habitats Directive, which have been poorly enforced.²¹⁰ A lack of use of infringement procedures by the European Commission has led NGOs to take some Member States to court for these violations.

The Marine Action Plan also reaffirmed the EU's commitment to managing fish stocks at Maximum Sustainable Yield (MSY) levels,²¹¹ which it had previously committed to achieving by 2020 under the **Common Fisheries Policy (CFP)**.²¹² This opens up potential divergence with the UK given the latter's non-binding commitment to fishing at or below MSY levels in the **Fisheries Act 2020**,²¹³ which has been criticised for opening the door to overfishing.²¹⁴

The EU published an offshore renewable energy strategy in 2020,²¹⁵ containing a target to increase offshore renewable energy capacity by 60 GW by 2030, a target which was then increased in 2023 to 111 GW by 2030,²¹⁶ of which the majority is expected to be offshore wind. This scale-up of ambition will be met using coordination and collaboration mechanisms such as the North Seas Energy Cooperation²¹⁷ group of countries and cross-border grid planning to integrate the efforts of different Member States in shared seas.

The EU and UK are both signatories of the UN's High Seas Treaty, which aims to improve the 'conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction'.²¹⁸ The EU ratified this treaty in May 2025,²¹⁹ with the UK announcing that it had

209 Environmental Justice Foundation (2025) Reviving ocean Life in EU Marine Protected Areas, <https://ejfoundation.org/resources/downloads/EU-bottom-trawling-briefing-2025.pdf>

210 European Environment Bureau (2018) Nature's Last Line of Defence, <https://eeb.org/wp-content/uploads/2019/07/Nature39s-Last-Line-Of-Defence.pdf>; Environmental Justice Foundation (2025) 'EU faces legal complaint France, Germany, Italy leave 'protected' marine areas open to destruction', 29 April, <https://ejfoundation.org/news-media/eu-faces-legal-complaint-as-france-germany-italy-leave-protected-marine-areas-open-to-destruction> (accessed 24 June 2025)

211 Action plan: Protecting and restoring marine ecosystems for sustainable and resilient fisheries, https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp/action-plan-protecting-and-restoring-marine-ecosystems-sustainable-and-resilient-fisheries_en

212 Common Fisheries Policy, https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp_en

213 Fisheries Act 2020, <https://www.legislation.gov.uk/ukpga/2020/22/contents>

214 Oceana (2020) 'Hopes for sustainable fishing flounder as Fisheries Bill passed', Press Release, 12 November, <https://uk.oceana.org/press-releases/hopes-sustainable-fishing-flounder-fisheries-bill-passed/> (accessed 24 June 2025)

215 A European strategy for offshore renewable energy, https://www.europarl.europa.eu/doceo/document/TA-9-2022-0032_EN.html

216 European Commission (2024) 'Member states agree new ambition for expanding offshore renewable energy', 18 December, https://energy.ec.europa.eu/news/member-states-agree-new-ambition-expanding-offshore-renewable-energy-2024-12-18_en (accessed 24 June)

217 European Commission (undated) 'The North Seas Energy Cooperation', https://energy.ec.europa.eu/topics/infrastructure/high-level-groups/north-seas-energy-cooperation_en (accessed 24 June 2025)

218 Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, <https://www.un.org/bbnjagreement/sites/default/files/2024-08/Text%20of%20the%20Agreement%20in%20English.pdf>

219 European Commission (2025) 'EU leads global efforts to protect high seas biodiversity with landmark Treaty ratification', 28 May, https://oceans-and-fisheries.ec.europa.eu/news/eu-leads-global-efforts-protect-high-seas-biodiversity-landmark-treaty-ratification-2025-05-28_en (accessed 24 June 2025)

started its own process of ratification in June 2025.²²⁰ Additionally, both the EU²²¹ and UK²²² have called for a moratorium on deep-sea mining in international waters.

England

Since Brexit, the UK has used its new powers under the **Fisheries Act 2020**²²³ to actively diverge from the EU in many areas of marine policy. In January 2024, the UK²²⁴ and Scottish²²⁵ Governments announced that English waters in the North Sea and all Scottish waters would be closed to all vessels closure that came into force in March of the same year.

The UK Government stated that the closure was motivated by environmental factors, specifically declining sandeel populations and resulting reductions in the breeding success of various species of seabirds,²²⁶ and was an ecosystem-based management measure to support the delivery of Good Environmental Status (GES).²²⁷ GES and its 15 associated indicators form part of the EU's 2008 Marine Strategy Framework Directive²²⁸ and have been retained in the UK after Brexit through the UK Marine Strategy.²²⁹

Under the terms of the UK-EU Trade and Cooperation Agreement (TCA), sandeel is a jointly managed stock, with the EU holding a 97% share of the quota in UK waters. The closure resulted in the activation of the TCA's dispute resolution mechanism, for the first time, with the EU claiming that the closure lacked supporting scientific evidence²³⁰ and was discriminatory both against the EU and more specifically the Danish fishing industry, which holds 96% of the EU's

220 Department for Environment, Food and Rural Affairs (2025) 'Government to introduce legislation on High Seas Treaty by end of year', Press Release, 10 June, <https://www.gov.uk/government/news/government-to-introduce-legislation-on-high-seas-treaty-by-end-of-year> (accessed 24 June 2025)

221 Environmental Justice Foundation (2024) EU Commission's Reply to NGOs' Concerns about DSM, <https://ejfoundation.org/reports/eu-commissions-reply-to-ngos-concerns-about-dsm>

222 Department for Environment, Food and Rural Affairs, Foreign Commonwealth and Development Office, Department for Business and Trade (2025) 'UK supports moratorium on deep sea mining to protect ocean and marine ecosystems', Press Release, 30 October, <https://www.gov.uk/government/news/uk-supports-moratorium-on-deep-sea-mining-to-protect-ocean-and-marine-ecosystems> (accessed 24 June 2025)

223 Fisheries Act 2020, <https://www.legislation.gov.uk/ukpga/2020/22/contents>

224 Department for Environment, Food and Rural Affairs (2024) 'Nature recovery to be accelerated as the government delivers on measures to protect land and sea', 31 January, <https://www.gov.uk/government/news/nature-recovery-to-be-accelerated-as-the-government-delivers-on-measures-to-protect-land-and-sea> (accessed 24 June 2025)

225 Scottish Government (2024) The Sandeel (Prohibition Of Fishing) (Scotland) Order 2024: business and regulatory impact assessment – final, <https://www.gov.scot/publications/sandeel-prohibition-fishing-scotland-order-2024-final-business-regulatory-impact-assessment/>

226 House of Commons Library (2025) 'The UK-EU dispute over sandeels', 28 January, <https://commonslibrary.parliament.uk/the-uk-eu-dispute-over-sandeels/> (accessed 24 June 2025)

227 GES is defined in the Marine Strategy Framework Directive as 'the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations'.

228 Marine Strategy Framework Directive, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008L0056>

229 Department for Environment, Food and Rural Affairs (2025) Marine strategy part three: 2025 UK programme of measures, <https://www.gov.uk/government/publications/marine-strategy-part-three-2025-uk-programme-of-measures>

230 European Commission (2024) 'EU requests establishment of arbitration tribunal over the UK's prohibition of fishing of sandeel', 25 October, https://oceans-and-fisheries.ec.europa.eu/news/eu-requests-establishment-arbitration-tribunal-over-uks-prohibition-fishing-sandeel-2024-10-25_en (accessed 24 June 2025)

sandeel quota.²³¹ The UK's case, on the other hand, put forward that if the closure was revoked, then the EU's actions would prevent the UK from progressing towards GES, specifically the marine birds indicator²³² – a target which the EU also must meet. As such, by limiting UK progress on this issue in shared waters, the EU would also be limiting its own.

The Arbitration Tribunal convened to hear the dispute announced its ruling in April 2025.²³³ While both sides appeared to claim victory in the case,²³⁴ the ruling was largely in favour of the UK. The tribunal found that while the UK had made a procedural error in the manner in which it closed English waters, the closure was able to stay in place as long as the UK Government takes remedial action to achieve compliance with the principle of proportionality under the TCA in the 30 days following the publication of the judgment.²³⁵

Further marine conservation measures were outlined in the **Environment Act 2021**, which specifies that by 2042 at least 70% of designated features within UK MPAs must be in 'favourable condition', with the remaining 30% in a 'recovering condition'.²³⁶ Banning bottom trawling will be important in meeting this goal, and in this regard, there has also been some progress. In 2022, the UK Government prohibited bottom trawling in the entirety of four English MPAs, including Dogger Bank. An additional byelaw was brought into force in 2024, prohibiting bottom trawling in areas containing reef and rocky habitats within a further 13 English MPAs. In June 2025, the UK Government announced a Marine Management Organisation consultation²³⁷ on a plan to bring further management measures into place in 42 offshore MPAs,²³⁸ which includes largely removing bottom trawling from 41 of these sites.

Additionally, the UK government designated the first three highly protected marine areas (HPMAs) in England in 2023, which ban all 'extractive, destructive and depositional activities' such as commercial fishing, dredging and construction within these areas.²³⁹ However, the licencing to support the delivery of these areas is still outstanding.

Progress on bottom trawling bans in MPAs, as well as the designation of HMPAs, are both examples of England using its post-EU-Exit freedoms in order to move more quickly than the EU,

231 Danmarks Fiskeriforening (2024) 'Sandeel arbitration case against the UK is a necessary step', 28 October, <https://fiskeriforening.dk/pressemeddelelser/voldgiftssag-om-tobis-mod-storbritannien-er-et-noedvendigt-skridt/> (accessed 24 June 2025)

232 Permanent Court of Arbitration (2025) PCA Case No. 2024-45, <https://pcacases.com/web/sendAttach/70467>

233 Ibid

234 IEEP UK (2025) 'Landmark ruling on sandeels announced', 6 May, <https://ieep.uk/news/news-landmark-ruling-on-sandeels/> (accessed 24 June 2025)

235 Cabinet Office and Department for Environment, Food and Rural Affairs (2025) 'Response to arbitration tribunal final report: UK-Sandeel (The European Union v. the United Kingdom of Great Britain and Northern Ireland)', 2 May, <https://www.gov.uk/government/news/response-to-arbitration-tribunal-final-report-uk-sandeel-the-european-union-v-the-united-kingdom-of-great-britain-and-northern-ireland> (accessed 24 June 2025)

236 Environment Act 2021, <https://www.legislation.gov.uk/ukpga/2021/30/contents>

237 Marine Management Organisation (2025) 'Marine protected Areas Stage 3 Consultation', <https://www.gov.uk/government/consultations/marine-protected-areas-stage-3-consultation> (accessed 24 June 2025)

238 Department for Environment, Food and Rural Affairs (2025) 'Government proposes to extend ban on destructive bottom trawling', Press Release, 9 June, <https://www.gov.uk/government/news/government-proposes-to-extend-ban-on-destructive-bottom-trawling> (accessed 24 June 2025)

239 Department for Environment, Food and Rural Affairs (2023) Highly Protected Marine Areas (HPMAs), <https://www.gov.uk/government/publications/highly-protected-marine-areas/highly-protected-marine-areas-hpmas>

though many NGOs and marine scientists²⁴⁰ have called for the ban to be widened to all areas of all MPAs, arguing that failure to do so would undermine the UK's '30 x 30' goals under the Global Biodiversity Framework.

The **Fisheries Act 2020** contains a sustainability objective referencing managing fish stocks at MSY levels but does not impose a binding date by which to achieve this.²⁴¹ This opens up potential for divergence from the EU, which retains a binding commitment in the CFP to achieve MSY levels where possible for all stocks,²⁴² though notably missed its initial 2020 deadline.

The UK published an Energy Security Strategy in 2022, which set an ambitious target of 50GW of offshore wind capacity by 2030, including 5GW from floating wind, and announced the prioritisation of its development through a streamlined Nationally Significant Infrastructure Projects permitting process.²⁴³ This is complemented by the 2021 North Sea Transition Deal, which alongside commitments to decarbonise the oil and gas sector in the region also included support for co-location of oil and gas and offshore wind infrastructure.²⁴⁴ While lower than the EU's overall target, the UK's offshore wind capacity target for 2030 is larger than that of any individual Member State.

Scotland

The Scottish Government consulted, in late 2022, on the possibility of introducing highly protected marine areas (HPMAs) to 10% of Scotland's seas in which any activities that disturb the water column would be prohibited.²⁴⁵ In response to the findings of the consultation, it was announced in June 2023 that these proposals would not be carried forward,²⁴⁶ suggesting intra-UK divergence in this area, given that England has already begun to designate HMPAs. In August 2024, the Scottish Government undertook a consultation on fisheries management measures within Scottish MPAs, which could lead to either a full or partial ban on bottom trawling within these areas in future.²⁴⁷ The consultation summary was published in January 2025,²⁴⁸ with a view to a decision being made later this year.²⁴⁹

As mentioned above, the Scottish Government moved to close its waters to sandeel fishing in

240 Oceana (2025) 'Scientists call out failure to protect UK seas as Labour wavers on nature', Press Release, <https://uk.oceana.org/press-releases/scientists-call-out-failure-to-protect-uk-seas-as-labour-wavers-on-nature/> (accessed 24 June 2025)

241 Fisheries Act 2020, <https://www.legislation.gov.uk/ukpga/2020/22/contents/>

242 Common Fisheries Policy, https://oceans-and-fisheries.ec.europa.eu/policy/common-fisheries-policy-cfp_en

243 UK Government (2022) British energy security strategy, <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

244 UK Government (2021) North Sea Transition Deal, <https://www.gov.uk/government/publications/north-sea-transition-deal>

245 Scottish Government (undated) 'Marine environment', <https://www.gov.scot/policies/marine-environment/highly-protected-marine-areas/> (accessed 24 June 2025)

246 Ibid

247 Scottish Government (2024) 'Fisheries Management Measures within Scottish Offshore Marine Protected Areas (MPAs)', <https://consult.gov.scot/marine-scotland/fisheries-management-measures-within-offshore-mpas/> (accessed 24 June 2025)

248 Scottish Government (2025) 'Fisheries management measures within Scottish Offshore Marine Protected Areas (MPAs): consultation analysis', <https://www.gov.scot/publications/fisheries-management-measures-within-scottish-offshore-marine-protected-areas-mpas-consultation-analysis/pages/1/> (accessed 24 June 2025)

249 Scottish Government (2024) 'Fisheries Management Measures within Scottish Offshore Marine Protected Areas (MPAs)', <https://consult.gov.scot/marine-scotland/fisheries-management-measures-within-offshore-mpas/> (accessed 24 June 2025)

March 2024. The judgement of the Arbitration Tribunal showed that Scotland did not commit the same procedural error as the UK Government for English North Sea waters, and as such the Scottish closure is able to stay in place without any necessary remedial action²⁵⁰ and can now become a permanent closure.

Wales

Progress in marine policy in Wales since EU exit has been limited and notably slower than the rest of the UK. It has not introduced any new bans on bottom trawling in MPAs since EU Exit, though has committed to holding a consultation on expanding the Welsh Marine Conservation Zone,²⁵¹ though this has not yet taken place.

Northern Ireland

Northern Ireland's progress in this area since EU exit has also been limited, particularly in its lack of overarching marine policy strategy documents. It did, however, introduce legislation in 2022 which banned bottom trawling in nine inshore MPAs.²⁵² DAERA is also in the process of reviewing NI's wider MPA strategy.²⁵³

250 Cabinet Office and Department for Environment, Food and Rural Affairs (2025) 'Response to arbitration tribunal final report: UK-Sandeel (The European Union v. the United Kingdom of Great Britain and Northern Ireland)', 2 May, <https://www.gov.uk/government/news/response-to-arbitration-tribunal-final-report-uk-sandeel-the-european-union-v-the-united-kingdom-of-great-britain-and-northern-ireland> (accessed 24 June 2025)

251 James, J. (2022) 'Written Statement: Announcement of the commencement of the Welsh Marine Conservation Zone (MCZ) designation pre-consultation engagement process', 28 November, <https://www.gov.wales/written-statement-announcement-commencement-welsh-marine-conservation-zone-mcz-designation-pre> (accessed 24 June 2025)

252 The Marine Protected Areas (Prohibited Methods of Fishing) Regulations (Northern Ireland) 2022, <https://www.legislation.gov.uk/nisr/2022/292/contents>

253 Department for Environment, Food and Rural Affairs (2025) Marine strategy part three: 2025 UK programme of measures, <https://www.gov.uk/government/publications/marine-strategy-part-three-2025-uk-programme-of-measures>

Divergence Summary Marine

Marine is an area of environmental policy in which the UK has, for the most part, used its post-Exit freedoms to actively diverge from the EU and move faster in implementing progressive, pro-conservation measures. While the EU has notably stalled in its efforts to ban bottom trawling in its MPAs, England has moved to fully ban this practice in four MPAs, with partial bans in another 13 areas, and the potential for a full ban in an additional 41 MPAs after the consultation announcement in June 2025. Northern Ireland has also put bans into place. While this progress does not go far enough in the pursuit of international biodiversity targets – nor in meeting the often-criticised MPA targets for England set under the Environment Act 2021 – it is a welcome start. To ensure that these areas are not just ‘paper parks’, the UK Government must work to put robust management and enforcement measures into place to generate the positive outcomes for nature conservation promised by these changes.

The ruling of the Sandeels Tribunal is an excellent example of the UK and EU’s differing approaches to fisheries management since 2020. The case brought by the EU was a clear demonstration of the tension between the UK’s focus on independence in fisheries management against the EU’s insistence on collaborative governance under the TCA, exemplifying a major area of divergence in managing joint fish stocks since EU Exit.

There is also notable intra-UK divergence within marine policy. Fisheries management and marine conservation, including the designation of MPAs, within territorial waters are devolved matters in the UK, and consequently the four administrations have moved at different speeds. England and Northern Ireland have moved more quickly than Scotland and Wales in their implementation of a limited number of bottom trawling bans. However, once again, monitoring and enforcement will be crucial in determining if this divergence is limited to legislation instead of outcomes for nature conservation.



7 NATURE & BIODIVERSITY



EU

The **Nature Restoration Law**,²⁵⁴ which entered into force in August 2024, has been described as the EU's most significant piece of legislation related to nature since the 1992 Habitats Directive,²⁵⁵ with its adoption key for achieving the objectives outlined in the EU's Green Deal²⁵⁶ and Biodiversity Strategy for 2030,²⁵⁷ and the Kunming-Montreal Global Biodiversity Framework.²⁵⁸ Despite being amended during a contentious passage through the European Parliament, the final version outlines ambitious and binding biodiversity and nature recovery targets for Member States.²⁵⁹ These include headline targets for restoring 20% of both land and sea areas by 2030, all ecosystems in need of restoration by 2050, as well as 30% of degraded habitats by 2030. Member States will need to develop National Restoration Plans showing how they will meet these targets by August 2026.²⁶⁰

Aiming to tackle commodity-driven deforestation, the EU's **Regulation on Deforestation-**

254 Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1991&qid=1722240349976>

255 Aubert, G. (2024) Guidance and Recommendations For Ambitious Nature Restoration Plans, <https://www.wwf.eu/?15229441/Guidance-and-Recommendations-For-Ambitious-Nature-Restoration-Plans>

256 European Commission (2019) Communication on The European Green Deal, https://commission.europa.eu/document/dae-f3e5c-a456-4fbb-a067-8f1cbe8d9c78_en

257 European Commission (2020) Biodiversity Strategy for 2030, https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en

258 Kunming-Montreal Global Biodiversity Framework (CBD/COP/15/L.25), <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>

259 IEEP (2024) The Nature Restoration Law – A hard-fought victory for biodiversity and society, <https://ieep.eu/publications/the-nature-restoration-law-a-hard-fought-victory-for-biodiversity-and-society/>

260 Ibid.

free products (EUDR)²⁶¹ was adopted in June 2023. The EUDR is a landmark piece of legislation that prohibits selected traded products – cattle, cocoa, coffee, palm oil, soy, rubber, wood and related products and derivatives – produced on land that has been subject to legal or illegal deforestation since the end of 2020 from entering the EU single market. Notably, the regulation applies to all businesses, regardless of their size. While it was originally scheduled to come into force at the end of 2024, it has now been delayed to December 2025 in order to give businesses and public authorities more time to prepare for its implementation.²⁶² The legislation's scope is currently limited to the protection of forests, but it contains a provision to conduct a review for the inclusion of other wooded land (OWL) after one year, and grasslands and wetlands after two years. However, the Commission's report on the potential OWL expansion that was originally due in June 2024 has been postponed to June 2025.

A 2023 citizens' initiative entitled *Stop finning – Stop the trade* called for legislation banning the import, export and transit of shark fins to be implemented in the EU.²⁶³ In response to the initiative, the European Commission committed to launching an impact assessment on the environmental, social and governance impacts of such regulation by the end of 2023, but this has not yet appeared.²⁶⁴

England

In December 2022, the UK Government published nature recovery and biodiversity targets for England, as required by the **Environment Act 2021**.²⁶⁵ These included halting declines in species populations by 2030 and then increasing them by at least 10% by 2042; increasing tree and woodland cover to 16.5% of England's total land area by 2050; restoring 70% of designated features in Marine Protected Areas to a favourable condition by 2042, with the rest in a recovering condition; and restoring or creating more than 500,000 hectares of wildlife-rich habitat to support the UK in meeting its '30 x 30' commitments.²⁶⁶ These targets have been criticised by NGOs (including IEEP UK)²⁶⁷ and legal experts²⁶⁸ for their lack of ambition compared to those set under the EU's Nature Restoration Law.

Biodiversity Net Gain (BNG) is a development approach introduced in England under the

261 Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX-3A32023R1115&qid=1687867231461>

262 European Commission (2024) 'Application of EUDR Regulation on deforestation-free products delayed until December 2025', 12 December, <https://trade.ec.europa.eu/access-to-markets/en/news/application-eudr-regulation-deforestation-free-products-delayed-until-december-2025> (accessed 24 June 2025)

263 European Citizens' Initiative (undated) 'Stop Finning – Stop the trade', https://citizens-initiative.europa.eu/initiatives/details/2020/000001/stop-finning-stop-the-trade_en (accessed 24 June 2025)

264 Ibid.

265 Environment Act 2021, <https://www.legislation.gov.uk/ukpga/2021/30/contents>

266 UK Government (2022) 'New legally binding environment targets set out', 16 December, <https://www.gov.uk/government/news/new-legally-binding-environment-targets-set-out> (accessed 24 June 2025)

267 Green Alliance (2022) 'England's ambitions to restore nature do not match up to the EU's', 10 October, <https://greenallianceblog.org.uk/2022/10/10/englands-ambitions-to-restore-nature-do-not-match-up-to-the-eus/> (accessed 24 June 2025)

268 Feeney, M. (2023) 'The Right Balance? First Environmental Targets Published', Francis Taylor Building, 15 February, <https://www.ftbchambers.co.uk/elblog/view/the-right-balance-first-environmental-targets-published> (accessed 24 June 2025)

Environment Act 2021, which mandates that any development must produce at least a 10% improvement in biodiversity through the creation or enhancement of habitats, in comparison to what was there before development commenced.²⁶⁹ This requirement entered into force in February 2024 and can be achieved through either on-site or off-site improvements, or, as a last resort, through the purchase of statutory biodiversity credits from the government.²⁷⁰ BNG's introduction was widely welcomed by nature groups and has placed England ahead of the EU – which has no equivalent scheme – in this area. However, a new government consultation launched in May 2025 proposing a reduction in BNG requirements for small and medium-sized housebuilding projects may place the scheme's initial success under threat.²⁷¹

The **Planning and Infrastructure Bill** introduced in March 2025, and which is currently passing through parliament, has provisions intended to accelerate housing and infrastructure development in England with accompanying mechanisms to alter nature protection. It has been widely criticised²⁷² for its potential to weaken existing environmental protections within planning law in England and Wales. The bill in its current form grants developers the ability to offset damage to protected sites and species through a 'Nature Restoration Levy' which funds compensatory restoration projects elsewhere allowing for environmental obligations under the Habitats Regulations 2017 and Wildlife and Countryside Act 1981 to be sidestepped. In early May 2025, The Office for Environmental Protection (OEP) provided advice to the Government which described the provisions for environmental protection in the current form of the bill as a 'regression' – particularly for habitats and species protected under the existing Habitats Regulations.²⁷³

Under Schedule 17 of the **Environment Act 2021**, regulated businesses in the UK are prohibited from using illegally produced forest risk commodities (FRCs), including both raw and derived products.²⁷⁴ However, secondary legislation is needed to operationalise these requirements and still has not been tabled. The proposed FRC regulation is likely to be narrower in scope than the EUDR, in it being limited to *illegal* deforestation (as opposed to both *legal* and *illegal* deforestation) and excluding rubber, coffee and wood products.²⁷⁵ Additionally, it is only set to apply to large businesses with annual revenues of over £50 million,²⁷⁶ unlike the EUDR which applies to all businesses.

269 UK Government (2025) 'Biodiversity net gain', <https://www.gov.uk/government/collections/biodiversity-net-gain> (accessed 24 June 2025).

270 UK Government (2024) 'Understanding biodiversity net gain', <https://www.gov.uk/guidance/understanding-biodiversity-net-gain> (accessed 24 June 2025).

271 Department for Environment, Food and Rural Affairs (2025) 'Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development', <https://consult.defra.gov.uk/defra-biodiversity-net-gain/improving-the-implementation-of-biodiversity-net-g/> (accessed 24 June 2025).

272 Neill, P. (2025) 'Planning Bill risks 'local species extinction', leading charities warn', ENDS Report, 9 April, <https://www.endsreport.com/article/1913609/planning-bill-risks-local-species-extinction-leading-charities-warn> (accessed 24 June 2025); Wild Justice (2025) 'Wild Justice slams environmental provisions in government's new Planning and Infrastructure Bill', 1 May, <https://wildjustice.org.uk/general/planning-and-infrastructure-bill-a-legal-opinion/> (accessed 24 June 2025).

273 Office for Environmental Protection (2025) OEP gives advice to Government on the Planning and Infrastructure Bill, <https://www.theoep.org.uk/report/oep-gives-advice-government-planning-and-infrastructure-bill>

274 Environment Act 2021, <https://www.legislation.gov.uk/ukpga/2021/30/schedule/17>

275 Barclay, S. (2023) Statement on Introduction of Forest Risk Commodities regulations, 12 December, <https://questions-statements.parliament.uk/written-statements/detail/2023-12-12/hcws117>

276 Ibid.

The UK Government announced a ban on the use of peat in the horticultural sector in England in 2022, clarifying in 2023 that this would apply to the amateur horticultural sector by the end of 2024, the professional sector with some exemptions by 2026, and a full ban from 2030.²⁷⁷ However, despite this commitment, no legislation banning peat has been brought forward by the government. A Private Members' bill has been introduced to try to speed up the introduction of this ban and apply it to all horticultural peat by the end of 2025 – however as it is not a government-sponsored Bill, it is unlikely to come into effect.²⁷⁸

The **UK Shark Fins Act 2023** banned the import and export of detached shark fins and associated products and also the removal of fins from sharks in UK waters. This act applies across all four nations of the UK.

Scotland

Scotland's Biodiversity Strategy to 2045²⁷⁹ was published in 2024 and includes a government commitment to produce a **Natural Environment Bill (NEB)**. This was introduced by the Scottish Government in March 2025, and aims to impose a duty upon Scottish Ministers to set legally binding targets for biodiversity and nature restoration across three mandatory areas: the condition and extent of habitats, the status of threatened species, and the environmental conditions for nature regeneration.

The NEB is an important piece of legislation; by paving the way for the setting of such targets, it places the biodiversity challenge on a similar level to that of climate change. However, in its current form, the bill does not itself introduce legally binding, time-bound biodiversity and nature recovery targets, instead only creating a framework for their future introduction, which is likely to only be in late 2026 or early 2027. As such, Scotland is lagging behind the EU and England, which now both have restoration targets, as noted above.

Part 2 of the NEB grants Scottish ministers the authority to amend current Environmental Impact Assessment and Habitats Regulations, with the Scottish Government citing a loss of powers previously available to them prior to Brexit under the European Communities Act 1972 as the reason for this move.²⁸⁰ However, this section of the bill has raised concerns amongst environmental NGOs such as Scottish Wildlife LINK, who note that these powers could be used to weaken existing environmental protections.²⁸¹

277 Department for Environment, Food and Rural Affairs (2023) 'Media reporting on peat-ban for the professional Horticulture sector', 24 March, <https://deframedia.blog.gov.uk/2023/03/24/media-reporting-on-peat-ban-for-the-professional-horticulture-sector/> (accessed 24 June 2025)

278 Horticultural Peat (Prohibition of Sale) Bill, <https://bills.parliament.uk/bills/3886>

279 Scottish Government (2024) Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency in Scotland, <https://www.gov.scot/publications/scottish-biodiversity-strategy-2045/documents/>

280 Scottish Government (2024) 'Environmental Impact Assessment regime and Habitats Regulations - enabling powers: consultation', <https://www.gov.scot/publications/enabling-powers-environmental-impact-assessment-regime-habitats-regulations-scotland/> (accessed 24 June 2025)

281 Scottish Environment LINK (2025) 'The Natural Environment Bill part 2 – Powers to modify environmental regulation', 1 May, <https://www.scotlink.org/the-natural-environment-bill-part-2-powers-to-modify-environmental-regulation/> (accessed 24 June 2025)

The Scottish Government ran a public consultation on ending the sale of peat in Scotland in 2023.²⁸² It provided an update in 2024, stating that it was in the process of reviewing the findings of this consultation,²⁸³ but has made no further comments or commitments.

Wales

Wales's nature and biodiversity strategy is outlined in the Nature Recovery Action Plan for Wales, which was last updated in 2020.²⁸⁴ The document does not contain any statutory targets for nature recovery and biodiversity. However, the Welsh government carried out a 'Biodiversity deep dive' in 2022 in an effort to identify methods to meet its commitments under the Global Biodiversity framework²⁸⁵ and published a white paper in 2024²⁸⁶ which laid out a plan for a new bill introducing a new biodiversity target framework – the **Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill** which was introduced in June 2025.²⁸⁷ Despite the introduction of the framework, the bill outlines that the first biodiversity targets will only be due three years after it is passed, in line with the Welsh government's communication earlier in 2025 that such targets are unlikely to be in place before 2029.²⁸⁸ Alongside this framework, the bill also seeks to establish a new environmental watchdog for Wales – the Office of Environmental Governance Wales – which will monitor public authority compliance with environmental law.²⁸⁹

As with England, the Welsh Government announced in 2022 that retail sales of peat in horticulture were to be banned.²⁹⁰ However, no legislation has been introduced to implement this commitment.

Northern Ireland

A new programme for government for 2024-2027 was published by the Northern Ireland (NI) Executive in March 2025.²⁹¹ The document includes commitments to publish a 'Nature Recovery Plan' to ensure NI is in line to achieve the Global Biodiversity Framework '30 x 30' targets (which indeed apply to all four nations of the UK) but does not provide a precise timeframe.

A Nature Recovery Challenge Fund to support small-scale species recovery and '30 x 30' projects

282 Scottish Government (2023) 'Ending the sale of peat: consultation analysis', <https://www.gov.scot/publications/ending-sale-peat-scotland-analysis-consultation-responses/> (accessed 24 June 2025)

283 Scottish Government (2024) An update on when the delivery plan and timetable for phasing out the sale of horticultural peat will be published, https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2022/pe1945/pe1945_e.pdf

284 Welsh Government (2020) Nature Recovery Action Plan 2020-21, <https://www.gov.wales/nature-recovery-action-plan>

285 Convention on Biological Diversity (undated) '2030 Targets', <https://www.cbd.int/gbf/targets> (accessed 24 June 2025)

286 Welsh Government (2024) Consultation on the White Paper: Securing a Sustainable Future, <https://www.gov.wales/sites/default/files/consultations/2024-01/environmental-principles-governance-and-biodiversity-targets-white-paper.pdf>

287 Irranca-Davies, H. (2025) 'Introduction of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill', 2 June, <https://www.gov.wales/introduction-environment-principles-governance-and-biodiversity-targets-wales-bill>

288 Welsh Parliament (2025) 'Welsh Government's nature ambitions lack 'a plan, action and investment'', 20 January, <https://senedd.wales/senedd-now/news/welsh-government-s-nature-ambitions-lack-a-plan-action-and-investment/> (accessed 24 June 2025)

289 Ibid.

290 Welsh Government (2022) 'Retail sale of peat in horticulture in Wales to end', Press Release, 5 December, <https://www.gov.wales/retail-sale-peat-horticulture-wales-end> (accessed 24 June 2025)

291 Northern Ireland Executive (2025) Our Plan: Doing What Matters Most. Programme for Government 2024-2027, <https://www.northernireland.gov.uk/publications/programme-government-2024-2027-our-plan-doing-what-matters-most-documents>

was launched by DAERA in January 2025.²⁹²

In NI, previous proposals to ban sales of peat compost have been scrapped, and no further commitments made.²⁹³

Divergence Summary Nature & Biodiversity

The adoption of the EU's **Nature Restoration Law** in 2024 has opened up divergence with the four UK administrations, given its inclusion of ambitious and clearly defined targets for biodiversity and nature recovery. By contrast, comparable binding targets in England created under the Environment Act 2021 have been criticised for being less ambitious than those of the EU. In Scotland, Wales and Northern Ireland, specific and legally binding targets for biodiversity and nature restoration have not yet been introduced.

The EU **Deforestation-free products regulation** which was approved in 2023 will also create divergence with the UK once it is operational since the UK has been moving slowly in introducing the secondary legislation for the Forest Risk Commodities (FRC) regulation for which the framework was established in Section 17 of the Environment Act 2021. Additionally, the current proposed scope of the UK regulation suggests active divergence from the equivalent EU regulation, given that it addresses only illegal deforestation, covers a smaller selection of commodities and only applies to larger businesses.

The **Planning and Infrastructure Bill** currently passing through the UK parliament, if implemented in its current formulation, would represent a regression in environmental protections in England and Wales compared to the current protections enjoyed by species and habitats under the UK Habitats Regulations which are based on EU directives.

Shark finning is a policy area in which the UK has moved more quickly than the EU, after its ban on the import and export of shark fin and fin-containing products in 2023. The EU has not yet made concrete plans to legislate in this area. England's **Biodiversity Net Gain** scheme is another example of such an area, which since February 2024 has mandated a minimum 10% biodiversity gain in new developments. No equivalent scheme yet exists at the EU level.

Despite the last [Conservative] Government signalling its intention to introduce a ban on the use of peat in horticultural products across England, Scotland and Wales, legislation did not materialise before the last election in mid-2024. It is not clear whether the current [Labour] Government wish to proceed in this area. If they do so, as IEEP UK reported in the 2024 State of Divergence report,²⁹⁴ it would mean the UK moving demonstrably ahead of the EU despite some level of action at an individual Member State level such as in Germany.²⁹⁵ It is also worth noting that a new peat map for England was published by the UK Government²⁹⁶ in 2025, further underlining the importance of protecting peatland areas.

292 DAERA (2025) 'Muir announces fund to support Nature Recovery environmental projects', 27 January, <https://www.daera-ni.gov.uk/news/muir-announces-fund-support-nature-recovery-environmental-projects> (accessed 24 June 2025)

293 North Wales Wildlife Trust (undated) 'Keep Peat in Bogs', <https://www.northwaleswildlifetrust.org.uk/keep-peat-in-bogs> (accessed 24 June 2025)

294 IEEP UK (2024) *Divergence in UK/EU environmental policy: the state of play February 2024*, <https://ieep.uk/publications/divergence-in-uk-eu-environmental-policy-the-state-of-play-february-2024/>.

295 Federal Ministry of Agriculture, Food and Regional Identity (2022) *Going peat-free, protecting the climate*, <https://www.bmel.de/SharedDocs/Downloads/EN/Publications/peat-use-reduction-strategy.pdf>.

296 Natural England (2025) 'A new peat map for England', 12 May, <https://naturalengland.blog.gov.uk/2025/05/12/a-new-peat-map-for-england/> (accessed 24 June 2025).

8 PESTICIDES



EU

IEEP UK reported in its 2024 divergence report²⁹⁷ on the fate of the European Commission's proposed Sustainable Use of Pesticides Regulation. Despite the bold plan to establish legally binding targets at EU level to reduce by 50% the overall use and the (estimated) risk of chemical pesticides as well as the use of the more hazardous pesticides by 2030 included within the Farm to Fork Strategy²⁹⁸ and Biodiversity Strategy,²⁹⁹ the proposal suffered a series of blows to weaken it by Member States and Parliamentarians and consequently it was formally withdrawn in March 2024.³⁰⁰ It is not foreseen that a new proposal will be made in the short or medium term.

The European Commission extended to 2033 the current approval for use of glyphosate, a common pesticide which has been under scrutiny on both sides of the Channel. In Great Britain, glyphosate is approved for use until late 2025 but a ban is unlikely so in practice no divergence in policy will emerge on its use.

Great Britain

In policy relating to pesticides, we find some of the clearest evidence of divergence between the EU and UK after Brexit. In particular, the standards set for the use of various pesticides in the

297 Nicholas, M. (2024) *Divergence in UK/EU environmental policy: The state of play*, Institute for European Environmental Policy UK, <https://ieep.uk/wp-content/uploads/2024/02/Briefing-Divergence-in-UK-EU-environmental-policy-The-state-of-play-February-2024.pdf> (see pg.19)

298 European Commission (undated) 'Farm to Fork Strategy', https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en (accessed 24 June 2025)

299 European Commission (undated) 'Biodiversity strategy for 2030', https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en (accessed 24 June 2025)

300 Withdrawal of Commission Proposals, <https://eur-lex.europa.eu/eli/C/2024/3117/oj>

UK (and more specifically Great Britain)³⁰¹ have begun to differ – in some cases, sharply – from that of the EU.

Changes have been made by the Health and Safety Executive (HSE) in GB to Maximum Residue Levels (MRLs) for a significant number of substances meaning that the maximum concentration of pesticide residue allowed in or on food of both animal and non-animal origin (i.e. plants) are now different to standards GB inherited at the point of Brexit. The HSE conducts risk assessments to evaluate the danger or potential danger to humans and the environment. The HSE has been gradually making announcements to adopt MRLs in line with internationally agreed standards set by the Codex Alimentarius.³⁰²

Pesticide Action Network UK (PAN-UK) report that there are changes to 764 MRLs in total between 2021-2025 and between 2022 and 2024, 115 MRLs were weakened on various types of produce, mostly fruit and vegetables³⁰³ but also and meat products. This is significant because it highlights an intent by the HSE on behalf of GB to diverge from standards previously set in coordination with other EU member states.

In addition to divergence in MRL standards, PAN-UK has identified twelve pesticide active substances, seven of which are Highly Hazardous Pesticides, that are approved for use in GB but are not in the EU, some of which are carcinogens and/or endocrine disrupting chemicals.³⁰⁴

Where before Brexit, responsibility for reviewing and agreeing on the level of risk that a pesticide might pose was shared between all Member States, whereas afterwards the HSE took on sole responsibility for approvals in GB and found it challenging to manage the demands placed upon it. A lack of capacity and capability is arguably a major factor in this³⁰⁵ though it could also conceivably point to a wider shift in attitude and approach to the tolerance of risk taken by the HSE since leaving the EU.

However, the case of neonicotinoid pesticides somewhat clouds this picture. Some³⁰⁶ neonicotinoid pesticides have been banned for use in the GB since 2018, specifically three neonicotinoids – clothianidin, imidacloprid and thiamethoxam – so-called ‘bee-killing’

301 Northern Ireland, under the terms of the Windsor Framework, implements EU rules on pesticides.

302 For detailed information see: Decision on the adoption of Codex MRLs (CCPR 2021), <https://www.hse.gov.uk/pesticides/assets/docs/mrlcx-aatq-0245.pdf>; Decision on the adoption of Codex MRLs (CCPR 2022), <https://www.hse.gov.uk/pesticides/assets/docs/mrlcx-aaoi-0375.pdf>; Decision on the adoption of Codex MRLs (CCPR 2023), <https://www.hse.gov.uk/pesticides/assets/docs/mrlcx-aagv-0446.pdf> and Decision on the adoption of Codex MRLs (CCPR 2024), <https://www.hse.gov.uk/pesticides/assets/docs/mrlcx-aavv-0834.pdf>

303 See PAN-UK's briefing on this: Pesticide Action Network UK (2025) Divergence of GB and EU pesticide standards, https://www.pan-uk.org/site/wp-content/uploads/PANUK_Divergence_GB_EU_pesticides_14Apr2025.pdf and the associated media coverage in the Guardian: Carrington, D. (2024) 'Revealed: Far higher pesticide residues allowed on food since Brexit', *The Guardian*, 19 September, <https://www.theguardian.com/environment/2024/sep/19/revealed-far-higher-pesticide-residues-allowed-on-food-since-brexit> (accessed 24 June 2025)

304 Ibid.

305 National Audit Office (2022) *Regulating after EU Exit*, <https://www.nao.org.uk/reports/regulating-after-eu-exit/>

306 It is worth noting that acetamiprid another neonicotinoid, remains approved for use in Great Britain as, according to the Government, "...it met all the requirements, including those relating to risks to pollinators, when it was last assessed" (See: Department for Environment, Food & Rural Affairs (2024) *A new approach to the use of certain neonicotinoids on crops grown in England*, <https://www.gov.uk/government/publications/a-new-approach-to-the-use-of-certain-neonicotinoids-on-crops-grown-in-england/a-new-approach-to-the-use-of-certain-neonicotinoids-on-crops-grown-in-england>).

pesticides.³⁰⁷ The previous [Conservative] Government waived through emergency derogations for four years in a row allowing these pesticides for use in sugar beet production. Though there was a temporary derogation also allowed by the EU in 2021 and 2022, the Court of Justice of the European Union ruled that no such derogations could be granted³⁰⁸ and thus leading to a divergence in implementation of law.

The current Government however, in early 2025, rejected an application for a further re-authorisation of these pesticide's use, stating that it would end their use. The UK Government's announcement however only applied to England and Ministers stated their intention to work with devolved administrations to seek a common approach (i.e. a complete ending of these neonicotinoids across Great Britain, though it is worth mentioning that sugar beet is not widely grown in Scotland and Wales).

Northern Ireland

Under the terms of the Windsor Framework Agreement, Northern Ireland (NI) continues to apply rules relating to pesticides set by the European Union and as such there has been no divergence between NI and the EU. However, as indicated in the other sections, there has been intra-UK divergence, that is, between Great Britain – England, Scotland and Wales – with NI.

Divergence Summary Pesticides

In policy relating to pesticides, we find some of the clearest evidence of divergence between the EU and UK after Brexit particularly around changes to Maximum Residue Levels. Standards set for the use of various pesticides in Great Britain have begun to differ – in some cases, sharply – from that of the EU. Northern Ireland continues to apply rules relating to pesticides set by the EU. Though it does appear that the UK Government has now closed a divergence gap that had opened up with the EU with regard to the effective banning of 'bee-killing' neonicotinoids.

307 Department for Environment, Food & Rural Affairs and Hardy, E. (2024) 'Complete ban on bee killing pesticides moves forward', Press Release, 21 December, <https://www.gov.uk/government/news/complete-ban-on-bee-killing-pesticides-moves-forward> (accessed 24 June 2025); Department for Environment, Food & Rural Affairs and Hardy, E. (2025) 'Pesticide emergency authorisation denied for 2025 to protect bees', Press Release, 23 January, <https://www.gov.uk/government/news/pesticide-emergency-authorisation-denied-for-2025-to-protect-bees> (accessed 24 June 2025)

308 Conseil D'État (2023) 'Neonicotinoids: no exemptions to the European ban', 3rd May, <https://www.conseil-etat.fr/en/news/neonicotinoids-no-exemptions-to-the-european-ban#:~:text=Following%20a%20ruling%20by%20the,2021%20and%202022%20are%20illegal> (accessed 24 June 2025)



EU

The most significant development in EU water policy since the UK's departure is the 2024 revision of the **Urban Wastewater Treatment Directive (UWWTD)**.³⁰⁹ The revision introduces several changes to the previous 1991 UWWTD, many significant. The UK, in effect, still applies legislation that is rooted in the 1991 directive. The 2024 directive therefore poses material divergence in policy from the EU as highlighted by IEEP UK research.³¹⁰

The 2024 directive introduces stricter requirements for treatment and collection (for example it requires the provision of collecting systems for urban wastewater for agglomerations of between 1,000 and 2,000 people by 31 December 2035 as opposed to agglomerations above 2,000 people under the previous 1991 UWWTD). It also requires Member States to produce (and review every six years) integrated urban wastewater management plans for the largest urban areas, including plans for managing storm water overflows for some areas. Significantly, the 2024 revision introduces extended producer responsibility for producers of medicines and cosmetics, requiring them to cover costs of treating their chemicals in wastewater.

The European Commission proposed in 2022 a revision of the 2000 **Water Framework Directive**³¹¹ too, though this has yet to be agreed. In particular, the proposed amendment

309 Directive (EU) 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment, <https://eur-lex.europa.eu/eli/dir/2024/3019/oj/eng>

310 Farmer, A. (2024) Diverging wastewater policy: The implications of changes to EU policy for the UK, Institute for European Environmental Policy UK, <https://ieep.uk/publications/diverging-wastewater-policy-the-implications-of-changes-to-eu-policy-for-the-uk/>; Haigh, N. and Farmer, A. (2024) Sewage Discharges: Interaction between UK and EU Law continues post-Brexit, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

311 European Commission (2022), Proposal for a Directive amending the Water Framework Directive, the Groundwater Directive and the Environmental Quality Standards Directive, https://environment.ec.europa.eu/publications/proposal-amending-water-directives_en

includes revising the lists of pollutants in surface water and groundwater to include harmful chemicals such as PFAS chemicals. This would mean EU member states being required to meet stricter water quality standards for these pollutants as well as making monitoring data available on a more frequent basis. However, the proposal is stalled following disagreement between the EU's main institutions – Parliament, Council and Commission.

England

By far and away the most significant area of legislative divergence between the EU and England is with regard to 2024 revision of the **Urban Wastewater Treatment Directive (UWWTD)**. Regulations in England are rooted in the provisions set out in its predecessor, the 1991 Urban Wastewater Treatment Directive. IEEP UK research³¹² set out the areas of key divergence between the 1991 and 2024 directives (see also further IEEP UK research).³¹³

In England, as in many other countries in Europe, implementation of water laws including around wastewaters but also for example, the Water Framework Directive,³¹⁴ remains the key challenge despite the Government making water policy (or specifically tackling water pollution) one of its top five environmental priorities.³¹⁵

England will miss by a 'considerable' margin, according to the Office for Environmental Protection (OEP), its main target under regulations related to the Water Framework Directive to bring 77% of surface water bodies into good ecological status by 2027. Indeed, the OEP say this figure could be as low as 21%³¹⁶ and following these findings, it has launched an investigation into possible failures of Defra and the Environment Agency to comply with the Water Framework Directive.³¹⁷

Further clarification on the UK government's requirements under the WFD was also provided by a judgement released in April 2025 from the Court of Appeals in the case of the *Pickering Fishery Association v the Secretary of State for Environment, Food and Rural Affairs*, which found that the government's current approach to River Basin Management Plans is unlawful

312 Farmer, A. (2024) *Diverging wastewater policy: The implications of changes to EU policy for the UK*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/diverging-wastewater-policy-the-implications-of-changes-to-eu-policy-for-the-uk/>; Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

313 Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

314 To note that UK regulations stemming from the 2000 Water Framework Directive still apply and so the EU and UK continue to largely share the same root legislation.

315 UK Department for Environment, Food & Rural Affairs and The Rt Hon Steve Reed OBE MP (2024) 'Defra Secretary of State at Summer Stakeholder Reception', 31 July, <https://www.gov.uk/government/speeches/defra-secretary-of-state-at-summer-stakeholder-reception> (accessed 13 May 2025)

316 Office for Environmental Protection (2024) *A review of implementation of the Water Framework Directive Regulations and River Basin Management Planning in England*, https://www.theoep.org.uk/sites/default/files/reports-files/A%20review%20of%20the%20implementation%20of%20River%20Basin%20Management%20Planning%20in%20England_Accessible.pdf

317 Office for Environmental Protection (2025) 'OEP launches investigation into possible failures by Defra and the Environment Agency to comply with key laws to protect and improve water quality', Press Release, 19 March, <https://www.theoep.org.uk/news/oep-launches-investigation-possible-failures-defra-and-environment-agency-comply-key-laws> (accessed 15 April 2025)

and that it had failed to adequately protect the ecosystem of the Costa Beck near Pickering.³¹⁸ Its determination that government programmes of measures under the WFD must identify actions for each water body to achieve their environmental objectives supports the OEP's interpretation of relevant environmental law.³¹⁹

A failure to implement existing water laws is not confined to England though. The European Environment Agency state that only 38% of surface water bodies in Europe have a good or high ecological status, and the WFD's target for surface waters and groundwaters to meet a good status by 2027 is not on track to be met.³²⁰

Failure to meet water targets – by a big margin – has led some to question whether the rules themselves ought to be changed. For example, the 'one-out-all-out' rule under the WFD comes under particular scrutiny³²¹ with the Chairman of Environment Agency England arguing that it understates improvements and focuses attention on indicators which may be difficult to achieve or make little difference to overall water quality.³²²

Such policies have not been changed yet. But the Government for England have made other policy changes. **The Water (Special Measures) Act**,³²³ introduces a strengthened monitoring and enforcement regime, largely consistent with new provisions outlined in the 2024 UWWTD (Articles 21 and 29).³²⁴ The 2021 **Environment Act**,³²⁵ requires the Secretary of State in consultation with regulators, local authorities and sewage undertakers to prepare a plan to be presented before Parliament for managing storm overflows in England.³²⁶

Prominent judicial activity,³²⁷ significant attention from the National Audit Office looking into the role of Defra and regulators (Ofwat, Environment Agency England and the Drinking Water Inspectorate)³²⁸ and a high-profile Government commission chaired by Sir Jon Cunliffe to review

318 Courts and Tribunals Judiciary (2025) *Secretary of State for Environment, Food and Rural Affairs -v- Pickering Fishery Association*, CA-2024-000579, <https://www.judiciary.uk/judgments/secretary-of-state-for-environment-food-and-rural-affairs-v-pickering-fishery-association/>

319 Office for Environmental Protection (2025) 'OEP welcomes decision in Pickering Fishery Association case on water quality laws', 2 April, <https://www.theoep.org.uk/news/oep-welcomes-decision-pickering-fishery-association-case-water-quality-laws> (accessed 13 May 2025)

320 European Environment Agency (2024) 'Pollution, over-use and climate change threaten water resilience in Europe', Press Release, 14 October 2024, <https://www.eea.europa.eu/en/newsroom/news/state-of-water> (accessed 13 May 2025)

321 In short, 'the one out, all out rule' means that if a water body fails on one quality-based parameter (chemical, biological or hydro-morphological) then the water body as a whole fails. Some argue this skews the overall results and perception of what 'good' looks like for water bodies.

322 Environment Agency and Sir James Bevan (2020) 'In praise of red tape: getting regulation right', Speech, 4 August, <https://www.gov.uk/government/speeches/in-praise-of-red-tape-getting-regulation-right> (accessed 15 May 2025)

323 Water (Special Measures) Act 2025, <https://www.legislation.gov.uk/ukpga/2025/5/contents>

324 Farmer, A. (2024) *Diverging wastewater policy: The implications of changes to EU policy for the UK*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/diverging-wastewater-policy-the-implications-of-changes-to-eu-policy-for-the-uk/>; Directive (EU) 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment, <https://eur-lex.europa.eu/eli/dir/2024/3019/oj/eng>

325 Environment Act 2021, <https://www.legislation.gov.uk/ukpga/2021/30/contents>

326 Department for Environment, Food and Rural Affairs (2023) *Storm Overflows Discharge Reduction Plan*, <https://www.gov.uk/government/publications/storm-overflows-discharge-reduction-plan>

327 UK Supreme Court (2022) *The Manchester Ship Canal Company Ltd (Appellant) v United Utilities Water Ltd (Respondent) No 2*, <https://www.supremecourt.uk/cases/uksc-2022-0121>

328 National Audit Office, *Regulating for investment and outcomes in the water sector*, 25 April 2025, <https://www.nao.org.uk/reports/regulating-for-investment-and-outcomes-in-the-water-sector/>

the water sector,³²⁹ are all likely to lead to changes in water policy and possibly legislation too.

Scotland

As with the other nations of the UK, EU-led legislative divergence is centred around the **Urban Wastewater Treatment Directive (UWWTD)**. Regulations related to this in Scotland are rooted in provisions set out in its predecessor, 1991 Urban Wastewater Treatment Directive. IEEP UK research³³⁰ set out the areas of key divergence between the 1991 and 2024 directives (see also further IEEP UK research).³³¹ Indeed, Environmental Standards Scotland (ESS) has informed the Scottish Government that it should review the new UWWTD to uphold their commitment to alignment with EU environmental policy.

Unlike the changes to the UWWTD, policy objectives set out under the Water Framework Directive and its implementing legislation in Scotland remain largely the same since the UK left the EU. Under its most recent River Basin Management Plan, Scotland aims for 81% of water bodies to reach 'good' status by 2027.³³² The Scottish Government has stated that 67.9% of Scotland's overall water environment is in good condition (which places it above the European average) and that Scotland's rivers, lochs, canals and burns are 'the best in the UK'.³³³

Despite this there are some concerns. Environmental NGOs such as Surfers Against Sewage for example have published a recent study that says Scotland's bathing water quality is ranked among the lowest in Europe.³³⁴ ESS have also recently highlighted gaps in policy effectiveness with regard to storm water overflows and their impact on the environment, notably the lack of publicly available information, the lack of monitoring information being supplied to the regulator and excessive spillage of sewage at some storm water overflows.³³⁵ ESS is currently examining the wider river basin management planning system in Scotland with a particular

329 Department for Environment, Food and Rural Affairs and Independent Water Commission (2024) *Independent commission on the water sector regulatory system: terms of reference* <https://www.gov.uk/government/publications/independent-commission-on-the-water-sector-regulatory-system-terms-of-reference/independent-commission-on-the-water-sector-regulatory-system-terms-of-reference>. Independent Water Commission (2025) 'Independent Water Commission: interim report', 03 June 2025 <https://www.gov.uk/government/publications/independent-water-commission-review-of-the-water-sector>

330 Farmer, A. (2024) *Diverging wastewater policy: The implications of changes to EU policy for the UK*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/diverging-wastewater-policy-the-implications-of-changes-to-eu-policy-for-the-uk/>; Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

331 Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

332 Scottish Environmental Protection Agency (2021) 'River Basin Management Planning' <https://www.sepa.org.uk/environment/water/river-basin-management-planning/> (accessed 15 April 2025)

333 Scottish Environmental Protection Agency, 'State of Scotland's Water Environment, Summary Report 2023', July 2024, <https://www.sepa.gov.uk/media/4i2bfrjo/2023-classification-summary-report.docx#:~:text=Scotland's%20water%20environment%20classification%20results,from%2067.1%25%20to%2067.9%25> (accessed 04 June 2025)

334 A recent report shows that Scotland ranks below all other UK and EU nations on bathing water quality, with the caveat that Scotland's classification for bathing water quality uses a four year average and is hence different to other countries datasets. See: Adie, S. (2024) 'UK nations' bathing water quality amongst worst in Europe', ENDS Report, <https://www.endsreport.com/article/1874792/uk-nations-bathing-water-quality-amongst-worst-europe> (accessed 11 April 2025)

335 Environmental Standards Scotland (2024) *Storm overflows - an assessment of spills, their impact on the water environment and the effectiveness of legislation and policy*, <https://environmentalstandards.scot/our-work/our-analytical-work/storm-overflows-an-assessment-of-spills-their-impact-on-the-water-environment-and-the-effectiveness-of-legislation-and-policy/>

focus on diffuse pollution to water from agricultural sources.

Wales

As with the other nations of the UK, EU-led legislative divergence is centred around the **Urban Wastewater Treatment Directive (UWWTD)**. Regulations related to this in Wales are rooted in provisions set out in its predecessor, 1991 Urban Wastewater Treatment Directive. IEEP UK research³³⁶ set out the areas of key divergence between the 1991 and 2024 directives (see also further IEEP UK research).³³⁷

Unlike the changes to the UWWTD, policy objectives set out under the Water Framework Directive and its implementing regulations in Wales remain largely the same since the UK left the EU. Wales has a target of achieving 94% of surface water bodies at Good Ecological Status by 2027, however data published in 2025 suggested that only 40% of bodies were at the required standard.³³⁸ With the exception of parts of the Water (Special Measures) Act, which will also apply to Wales³³⁹ there has been little legislative change in water policy relating to Wales since the UK left the EU.

Looking ahead, it is entirely possible that recommendations proposed by the Independent Water Commission chaired by Sir Jon Cunliffe³⁴⁰ which applies to Wales (as well as England) could lead to changes in water policy and possibly legislation too.

Northern Ireland

As with the other nations of the UK, EU-led legislative divergence is centred around the **Urban Wastewater Treatment Directive (UWWTD)**. Regulations related to this in Northern Ireland are rooted in provisions set out in its predecessor, 1991 Urban Wastewater Treatment Directive. IEEP UK research³⁴¹ set out the areas of key divergence between the 1991 and 2024 directives (see also

336 Farmer, A. (2024) *Diverging wastewater policy: The implications of changes to EU policy for the UK*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/diverging-wastewater-policy-the-implications-of-changes-to-eu-policy-for-the-uk/>; Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

337 Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

338 Adie, S. (2025) *Progress on Welsh waterways target stalls over chemical pollution*, ENDS Report, <https://www.endsreport.com/article/1910016/progress-welsh-waterways-target-stalls-chemical-pollution>

339 Sections 3, 4, 5 and 10 of this Act will only come into force when appointed by regulations from Welsh ministers as they relate to undertakers and appointment areas which are wholly or mainly in Wales.

340 Department for Environment, Food and Rural Affairs and Independent Water Commission (2024) *Independent commission on the water sector regulatory system: terms of reference* <https://www.gov.uk/government/publications/independent-commission-on-the-water-sector-regulatory-system-terms-of-reference/independent-commission-on-the-water-sector-regulatory-system-terms-of-reference>. Independent Water Commission (2025) 'Independent Water Commission: interim report', 03 June 2025 <https://www.gov.uk/government/publications/independent-water-commission-review-of-the-water-sector>

341 Farmer, A. (2024) *Diverging wastewater policy: The implications of changes to EU policy for the UK*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/diverging-wastewater-policy-the-implications-of-changes-to-eu-policy-for-the-uk/>; Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

further IEEP UK research).³⁴²

Like the other parts of the UK (and the EU), implementing legislation has been a challenge too. This is epitomised perhaps more forcefully than elsewhere in the UK though by algal blooms at Lough Neagh,³⁴³ the largest freshwater lake in the British Isles. The lack of an updated River Basin Management Plan, which was due in 2021,³⁴⁴ arguably does not help the situation as the target of 70% of water bodies in Northern Ireland reaching good status by 2027 will not be met (data from 2021 indicates only 38% met 'good or better' status).³⁴⁵

Divergence Summary Water

Water pollution is one of the most high-profile environmental issues in the UK.

Despite much public perception, until the new 2024 EU directive on Urban Wastewater Treatment, there had actually been little or no substantive legislative divergence in major water policy between the EU and UK. All four parts of the UK still implement regulations which are linked with the Water Framework Directive and Bathing Waters Directive – the same as EU member states. The overwhelming issue in this policy area, remains implementation.

Indeed, even with the 'new' Urban Wastewater Treatment Directive, EU member states do not need to transpose this directive into their domestic legislation until 31 July 2027 and many of the provisions are not required to be implemented until well into the 2030's meaning that divergence in practice has largely not occurred either. By way of contrast, all four parts of the UK – England, Northern Ireland, Scotland and Wales – are implementing regulations emanating from the earlier 1991 Urban Wastewater Treatment Directive when the UK was a member of the EU.

Having said this though, the 2024 **Urban Wastewater Treatment Directive** is a marked change from its predecessor (not least for example the introduction of extended producer responsibility for pharmaceutical and cosmetic producers) and when changes begin to take place in the EU's member states it will signal significant divergence with the UK.

342 Haigh, N. and Farmer, A. (2024) *Sewage Discharges: Interaction between UK and EU Law continues post-Brexit*, Institute for European Environmental Policy UK, <https://ieep.uk/publications/sewage-discharges-interaction-between-uk-and-eu-law-continues-post-brexit/>

343 McGeown, C., Barry, J. and Taylor, L. (2023) 'Lough Neagh: UK and Ireland's largest lake is being suffocated by business and agricultural interests', *The Conversation*, 9 October, <https://theconversation.com/lough-neagh-uk-and-irelands-largest-lake-is-being-suffocated-by-business-and-agricultural-interests-215113> (accessed 13 May 2025)

344 Office for Environmental Protection (2024) *The Office for Environmental Protection Urges DAERA to Implement Overdue Plan to Help Improve Water Quality*, <https://www.theoep.org.uk/report/implementation-water-framework-directive-northern-ireland>

345 Northern Ireland Environment Agency and the Department of Agriculture, Environment and Rural Affairs (2021) 'Draft 3rd Cycle River Basin Management Plan: For the North Western, Neagh Bann and North Eastern River Basin Districts (2021 – 2027)', https://www.daera-ni.gov.uk/sites/default/files/consultations/daera/Draft%203rd%20cycle%20River%20Basin%20Management%20Plan%20for%20Northern%20Ireland%202021-2027_0.PDF



ANNEX

TABLE OF MAJOR ENVIRONMENTAL LEGISLATIVE AND POLICY DEVELOPMENTS SINCE BREXIT

This table is a highly selective summary of what IEEP UK considers to be major climate and environment related measures that have changed since Brexit and constitute divergence in law and policy. IEEP UK has focused on the most consequential cases or in other words, those that materially affect the levels of environmental protection that existed before Brexit. The table focuses on UK primary (Acts of Parliament) and secondary law (e.g. Statutory Instruments) and secondary EU law (e.g. directives and regulations). Though there have been thousands of changes to tertiary law (implementing acts etc) by the EU, for ease, these are not included and, in many cases, do not constitute substantial or consequential changes.

The table's broad categories are based on a typology of divergence that IEEP UK published in 2022.³⁴⁶ The IEEP UK typology contains five categories, however only three of these are shown in the table as for two categories (ad hoc divergence and dynamic alignment) there are currently no examples.** There are other, mostly academic versions of such divergence typology but we have chosen to retain our version for this exercise, but all broadly revolve around similar headings/categories.

Table 3 Major environmental legislative and policy developments since Brexit

Key	EU	UK	EU and UK	
Topic	Legislation	Divergence by default***	Selective alignment	Divergence by design****
Cross-cutting	Regulation on the reduction of methane emissions (2024/1787) *	•		
Cross-cutting	Chemicals and Pesticides	•		
Air	Regulation on fluorinated greenhouse gases (2024/573) *	•		
Air	Regulation on substances that deplete the ozone layer (2024/590) *	•		
Air	Revised Ambient Air Quality Directive (2024/1760)	•		
Air	Revised Industrial Emissions Directive (2024/1785)	•		
Agriculture & Land Use	Agriculture Act 2020 (c.21)			•

³⁴⁶ Baldock D. and Nicholson M. (2022) *Divergence of environmental policy post Brexit: Initial reflections by IEEP UK, Institute for European Environmental Policy* https://ieep.uk/wp-content/uploads/2022/12/Divergence-of-environmental-policy-post-Brexit_IEEP-UK-2022.pdf

Topic	Legislation	Divergence by default***	Selective alignment	Divergence by design****
Circular Economy & Waste	Regulation on batteries and waste batteries (2023/1542) *	•		
Circular Economy & Waste	Directive on empowering consumers for the green transition (2024/825) *	•		
Circular Economy & Waste	Critical Raw Materials Act (2024/1252) *	•		
Circular Economy & Waste	Regulation on ecodesign for sustainable products (2024/1781) *	•		
Circular Economy & Waste	Directive on repair of goods (2024/1799) *	•		
Circular Economy & Waste	Product Liability Directive (2024/2853) *	•		
Circular Economy & Waste	Packaging and Packaging Waste Regulation (2025/40) *	•		
Circular Economy & Waste	Single-use plastics regulations		•	
Circular Economy & Waste	UK Single Use Vapes regulations			•
Circular Economy & Waste	Revised Waste Framework Directive – textiles and food waste (provisional agreement)	•		
Circular Economy & Waste	Regulation on preventing plastic pellet losses to reduce microplastic pollution (provisional agreement) *	•		
Climate	Revised LULUCF Regulation (2023/839)	•		
Climate	Regulation establishing a Social Climate Fund (2023/955) *	•		
Climate	Revised Directive on greenhouse gas emission allowance trading (2023/959), creating ETS2 for buildings, road transport and additional sectors	•		
Climate	Revised Energy Efficiency Directive (2023/1791)	•		
Climate	Revised Renewable Energy Directive (2023/2413)	•		

Topic	Legislation	Divergence by default***	Selective alignment	Divergence by design****
Climate	Revised Energy Performance of Buildings Directive (2024/1275)	•		
Climate	Net Zero Industry Act (2024/1735) *	•		
Climate	Carbon Border Adjustment Mechanism		•	
Climate	Emissions Trading Scheme – expansion to aviation and maritime		•	
Climate	Zero Emission Vehicle Mandate			•
Climate	Euro7 & Co2 emissions from vehicles	•		
Marine	Fisheries Act 2020 (c. 22) – Sandeels issue			•
Marine	Shark Fins Act 2023 (c. 22)			•
Nature & Biodiversity	Environment Act (2021) pertaining to Art.116 (Schedule 17) on the use of forest risk commodities in commercial activity			•
Nature & Biodiversity	Nature Restoration Law (2024/1991) *	•		
Nature & Biodiversity	Biodiversity Net Gain			
Nature & Biodiversity	Planning and Infrastructure Bill *****			•
Pesticides	MRL standards for pesticides			•
Water	Revised Urban Wastewater Treatment Directive (2024/3019)	•		
Water	Water (Special Measures) Act 2025 (c.5)		•	

* These are wholly new laws passed by the EU, either new directives or regulations that entered the Official Journal, the EU's rulebook after the UK left the EU.

** This may change in future, particularly in the case of dynamic alignment following announcements made at the UK-EU Reset talks on 19 May 2025 where a strong indication was given that a Common Sanitary and Phytosanitary Area could be established including dynamic alignment around the regulation of pesticide rules.

*** Sometimes referred to as 'passive' divergence

**** By its very nature, this is typically UK-led divergence.

***** This is a Bill and so could change before it becomes an Act of Parliament. At the time of writing though, this is one of the clearest evidential examples of 'Divergence by design'.

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