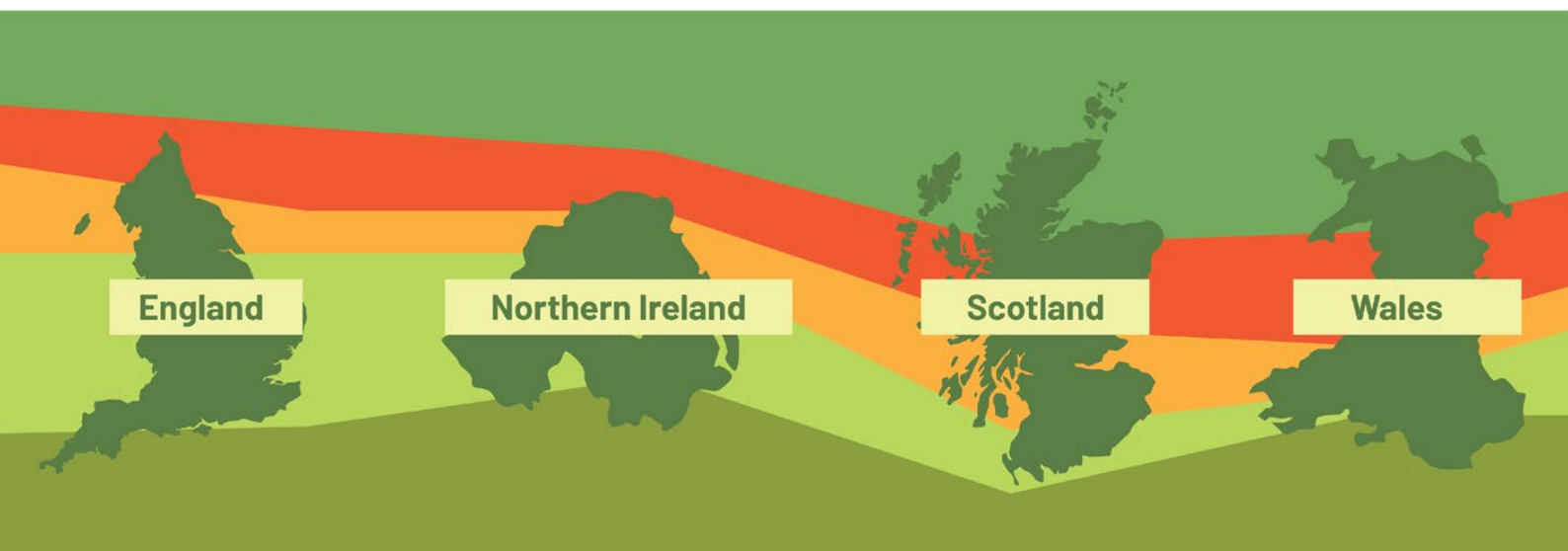


DIVERGENCE IN UK/EU ENVIRONMENTAL POLICY STATE OF PLAY 2025 – SUMMARY

August 2025



SUMMARY

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. 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).

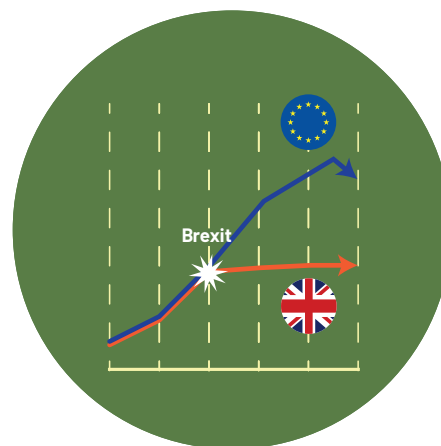
Our *Divergence in UK/EU Environmental Policy: State of Play 2025* report is an attempt to capture the evolving story of legislative and policy change as the UK forges a new chapter in its journey to a more sustainable, post-Brexit future. This work is part of a longer running project at IEEP UK to track and assess the significance of divergence in environmental policy. Our work to capture this story whilst aiming to be comprehensive, is ultimately subjective. 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 Policy development does not stand still, and new laws are created (or repealed) and the relative position of one party versus another can change too. 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.



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.





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 see the UK using post-Brexit independent policy making powers to move in the wrong direction.



Pragmatic and constructive relations between UK/EU

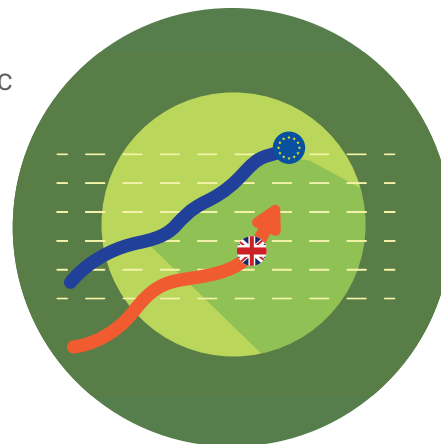
The relatively recent **return to pragmatic and constructive relations** between the EU & UK are a **welcome move** towards easing tensions and potentially reducing unnecessary levels of divergence in environment and climate policy. Building on the most recent example, the UK-EU Reset, both parties should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



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.





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**'.





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.

Download the full report at ieep.uk

Contact person Michael Nicholson Head of Environmental Policy mnicholson@ieep.uk

The Institute for European Environmental Policy UK (IEEP UK) is a not-for-profit sustainability think tank, with over 45 years of experience. As part of the broader IEEP family, we are committed to advancing evidence-based research, analysis and policy insights concerning the UK and its interaction with policy in the EU and globally.

For more information about IEEP UK, visit www.ieep.uk or follow us on X @IEEP_uk and LinkedIn.