

DIVERGENCE IN UK-EU ENVIRONMENTAL POLICY STATE OF PLAY 2026 – SUMMARY

October 2026



Summary

It has now been six years since the United Kingdom left the European Union and more than ten years since the referendum vote itself. The story of the development of environmental law and policy since Brexit is complex. Too simply told, it hides nuance and disguises key moments along the path to where we are today.

IEEP UK's research has found that between 2020 and the beginning of 2026, over **50 EU directives and regulations concerned with environmental matters have changed**. While not all of this legislative divergence is substantial or relevant, generally speaking, these changes have put in place more demanding or higher environmental standards for EU member states. These relate to various aspects of environmental law and policy, for example to protect nature and biodiversity, improve the quality of air, water and soil or to build a circular economy.

This is not to say that the UK or its four nations have stood still on developing new environmental law and policy. New environmental law and policy have been enacted – sometimes mirroring and tracking developments in EU law (and thus broadly aligning with EU law), sometimes to fulfil a long-held policy objective and sometimes to actively diverge away from the EU. However, more often than not, the UK has simply been less active than the EU in modifying its environmental law.

Our *Divergence in UK-EU Environmental Policy: State of Play 2026* 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.

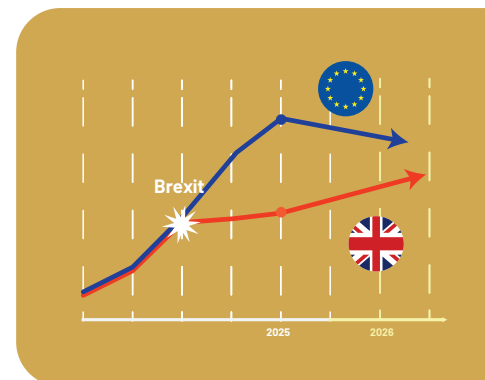
Our work to capture the evolving divergence 'story' is a subjective one. We do not claim to be exhaustive or consider all environmental measures. We have been selective, partly for brevity's sake, but also partly because we consider those aspects to be the most significant and consequential for legislation and policy. There are some areas that impact on the environment, including food policy, that we do not cover in this report.



Key messages

Divergence in environmental law since Brexit between the UK and EU, is significant

Immediately after Brexit, the EU's European Green Deal laid much of the groundwork for the significant levels of legislative divergence we now see between the EU and UK. The EU have put in place over 50 new EU directives and regulations on the environment and climate and this divergence 'gap' is evident across a range of environment and climate policy for example on managing sewage in rivers, lakes and coastal waters; preventing microplastic plastic which is harmful to human health; mandating higher energy efficiency standards for buildings and homes; preventing textile waste; and restoring nature.



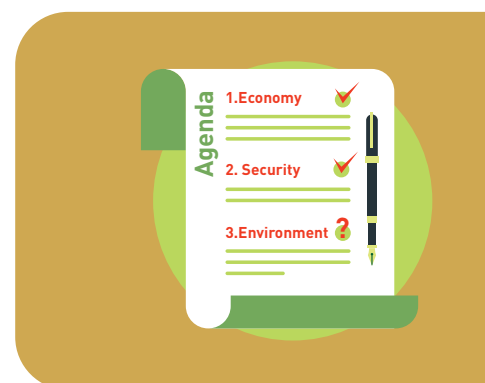
The EU is changing & this has implications for the UK if it is seeking further alignment

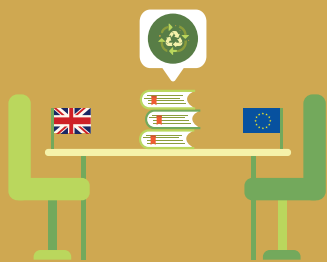
The EU's march towards more environmental law making has slowed down markedly since 2024 as it looks instead to 'simplify' existing laws and secure 'industrial competitiveness' amidst (geo) political turbulence, raising fears of deregulation. At the same time, the UK has been looking to align more with EU law, reform its own environmental laws and shore up its industrial base. These shifting priorities have a number of implications for UK decision making and the evolution of environment policy, as it remains in many ways, in the same 'regulatory orbit' as the EU particularly those UK companies trading with/in the EU.



Warming UK-EU relations but not necessarily directed towards improving the environment

A warming of UK-EU relations has enabled more constructive discussions to take place including over how alignment of UK-EU law could help to ease barriers to trade and boost economic growth. The approach to alignment has been, 'slow and steady' rather than 'gung-ho and prolific'. Measures for alignment proposed thus far though have not been connected directly to, or fuelled by, motives to improve the environment.





UK-EU alignment in areas of mutual concern

Subsequent to last year's IEEP UK divergence state of play report which called for alignment in several specific areas, the UK government has committed to align in future on chemicals and deforestation measures. In other areas like circular economy policy, it is far less certain how far the UK government wishes to align with for example wider efforts in the EU to preserve critical raw materials, minimise food and textile waste and ensure everyday household products are sustainably made.

An ad hoc approach to managing the effects of divergence and alignment

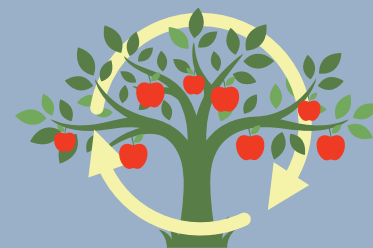
There is no discernible policy published by the UK Government on how it wishes to manage divergence, alignment or its effects on policy – environment, climate or otherwise. Actions taken to align UK-EU law thus far appear to be an accumulated set of pragmatic actions, rather than as part of a wider strategic approach that acknowledges and explains for example the trade-offs or costs involved with further alignment or divergence from the EU.



IEEP UK calls for:

1 Target the low hanging fruit...

...by securing UK-EU alignment in areas where there are both economic and environmental benefits. This means putting the UK Government's ambitions on a legislative footing, from the 2025 'Common Understanding' around aligning Emissions Trading schemes, the Sanitary and Phytosanitary framework and involvement of the UK in the EU's internal electricity market; to those areas of environmental policy it has publicly stated it wants to align on in future including deforestation and chemicals regulation. It should go further, by seeking to align on various aspects of circular economy policy too.





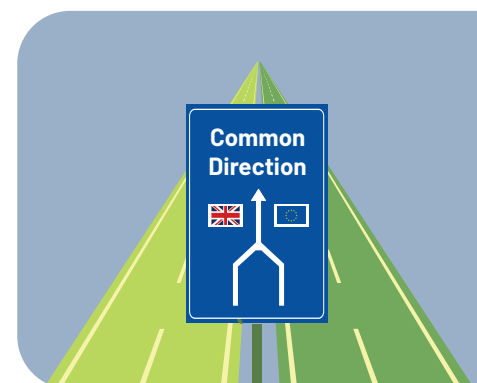
2 Put the environment at the heart of the UK-EU relations...

...by looking more seriously at the case-by-case argument for alignment in other areas of environmental policy – particularly those which have transboundary concerns or for shared resources but also in areas that do not necessarily have an immediate or obvious trade related benefit – for example around air, water, nature and marine protection. This would in many cases raise UK environmental standards, be symbolic and convey a serious intent to work more closely with the EU, and possibly aid negotiations in other more difficult, complex areas of the UK-EU relationship.



3 Turn the UK-EU 'Common Understanding' into a Common Direction...

...by recognising there is common ground between the UK & EU, none more so than in environmental policy. In the last year, the case for greater cooperation has only become clearer – with wildfires, heat and drought across Europe – worsened by climate change and impacting everything from air quality to the resilience of nature and food and farming systems on which we depend. This is while shared interests exist to preserve manufacturing in Europe, plan for a greater rollout of green technologies and reduce the 'leakage' of critical raw materials out of the continent. These are common national security challenges as well as environmental ones. Given the UK & EU's shared geography, strategic objectives as well as close economic interdependence, working in isolation is inefficient and misses the opportunity to achieve more together than apart – 'Totum autem plus est quam partes'.



Divergence rating table*

	England	Scotland	Wales	Northern Ireland
 Agriculture & Land Use				
 Air				
 Chemicals				
 Circular Economy & Waste				
 Climate & Energy				
 Marine				
 Nature & Biodiversity				
 Pesticides				
 Water				

			
Elements indicate a more progressive policy than EU policy	Policy is broadly similar to current EU policy	Elements indicate policy is not keeping pace with more progressive EU policy	Elements indicate a regression in policy 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 by clicking [here](#)



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