

DIVERGENCE IN UK-EU ENVIRONMENTAL POLICY

STATE OF PLAY 2026



About us

The **Institute for European Environmental Policy UK (IEEP UK)** is a 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 in the UK and its interaction with policy in the EU and globally.

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FOREWORD

The last year has seen the political winds shift back towards Europe, with the Labour government over recent months signalling intent to align more with the EU. While a promised EU-UK reset conference was delayed from this summer to later in the year, policy work proceeds behind the scenes.

As the Environmental Audit Committee saw during our inquiry this year into PFAS or forever chemicals, environmental policy and the importance of UK-EU alignment is not just about the environment: it is also about the health of our citizens and supporting the trading prospects of our businesses and wider economy.

For example, divergence between the UK and EU's chemicals regulations post-Brexit has increased compliance complexity and costs for businesses navigating different regimes, both between the UK and the EU, but also between GB and Northern Ireland. These sorts of trade barriers make the UK less competitive.

Divergence also risks the safety of our citizens and the integrity of our natural environment. Since Brexit, the EU added 42 substances to the candidate list and five to the authorisation list under their chemicals regulatory scheme. During the same time, the UK added none. The Environmental Audit Committee was warned about the prospect of businesses dumping surplus non-EU compliant stock into the UK market.

In other areas, divergence has allowed the UK to forge ahead: mandatory biodiversity net gain, the introduction of Environmental Land Management schemes to replace the previous basic payment scheme, and the 2030 commitment to phasing out petrol cars.

This report provides a timely and comprehensive analysis of divergence in UK-EU environmental policy. As ever, the picture is complicated and constantly evolving. While the UK government may choose a different approach than the EU in some areas, alignment can help avoid unnecessary regulatory divergence, for the benefit of businesses, economic growth, and of course the environment.

The year ahead will be a crucial and formative one for the UK-EU relationship and environmental policy.



TOBY PERKINS MP
CHAIR OF THE ENVIRONMENTAL
AUDIT COMMITTEE



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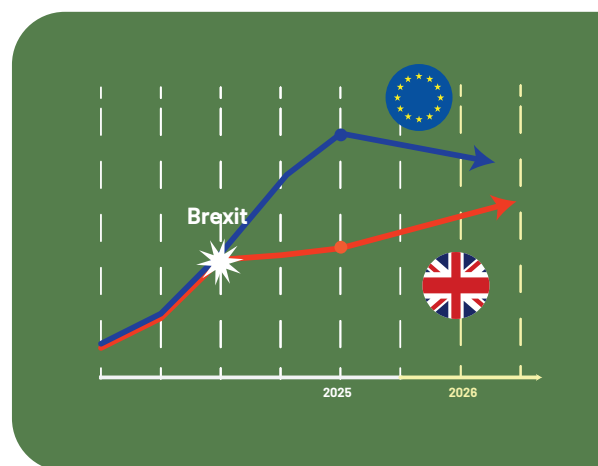
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Key messages

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.



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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.





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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.



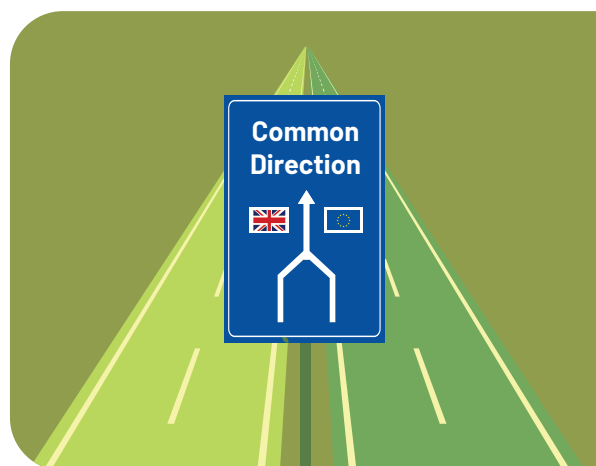


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3 Turn the UK-EU 'Common Understanding' into a Common Direction...

...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'.





INTRODUCTION

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.

In the immediate aftermath of Brexit, the EU surged forward putting in place dozens of new laws to enhance protection of the environment and climate as part of a European Green Deal (EGD). While the pace of developing new legislation to protect the environment has slowed markedly since, that spurt meant that the level of divergence in environmental law – the gap between the UK and EU – is now significant. For a selected shortlist of major laws creating divergence, see [Annex 1](#).

IEEP UK's research¹ 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),² sometimes to fulfil a long-held policy objective³ and sometimes to actively diverge away from the EU.⁴

However, more often than not, the UK has simply been less active than the EU in modifying its environmental law.

The trajectory and pace of divergence between the UK and EU have fluctuated since Brexit too. In other words, there has not been a neat, linear pattern to post-Brexit divergence. Most recently, for example, there have been signs of movement towards greater alignment rather than growing divergence best characterised by initiatives linked to the 'UK-EU Reset'.⁵ Yet little of the 'reset' discussion has been connected directly to or fuelled by motives to improve the environment – rather on adjustments that have the potential to ease barriers to trade and thus boost economic growth.

Importantly too, movement towards greater alignment has not been accompanied or guided by an overall plan or strategy for why divergence or alignment in UK-EU policy – environment, climate or otherwise – is important; for example, there is no government document acknowledging or explaining the trade-offs or costs involved with further alignment or divergence from the EU.

Prime Minister Burnham's recent major, maiden speech to his party's annual conference to call for a debate on the *"long term relationship with our largest market"* and to *"take the opportunity around the summit to lay out...the different options are for Britain's long-term relationship with our European partners"*⁶ are perhaps signs acknowledging this.

Furthermore, the EU is changing. It has changed a lot since Brexit, and even since the last European Parliament elections in 2024, and this has implications for the UK if it is considering the long-term relationship it wants with the EU, including seeking further alignment for example. Shifting priorities, to 'simplify' existing laws and secure 'industrial competitiveness' amidst (geo)political turbulence, have become the plat du jour and with crucial upcoming elections in France, Germany, Spain and Italy, the complexion of the EU's top leadership team, and the policies it drives towards, might look very different by 2030.

There is opportunity ahead though. The warming of relations and steady build-up of goodwill as reset talks have progressed can be built upon by the new administration. Prime Minister Burnham's government should recognise that the UK and EU share many of the same challenges – not only to shore up their respective industrial bases and look for 'smarter' or more 'simplified' regulation – but also on a wide array of environmental issues whether that is grappling with air, water and chemical pollution; forging a robust circular economy and preventing the 'leakage' of (sometimes critical) raw materials out of Europe; crafting environmentally resilient economies; or sensitively managing busy marine spaces.

Only by working together and learning from each other can either hope to succeed.

EU Context: A shift in focus

European Green Deal to Industrial Competitiveness

It is merely coincidental that Brexit (2020) took place at roughly the same time as the beginning of the rollout of the European Green Deal⁷ (2019-24). Yet, the paths taken by the UK and EU in developing their environmental law and policy since then have been markedly different. The EU, in rolling out its EGD as it emerged from the Covid-19 pandemic, leapt forward in the immediate aftermath of Brexit causing a significant gap in the level of environment and climate-related divergence.

Extraordinary in its breadth and depth, and despite ongoing implementation challenges⁸ and calls for it to be delayed, revised, or rolled back, few other individual 5-year European Commission mandates have seen as many environment and climate measures passed in a single term.

It is in these EGD years that the groundwork was laid for much of the legislative divergence we now see between the EU and UK.

Yet, however spectacular the EGD may have been in propelling environment legislation forward in Commission President Ursula Von Der Leyen's (VDL) first term in office, her second term in office (2024-29) has been different again. VDL has sought to downplay the flagship EGD policy

and pivot towards securing 'industrial competitiveness'⁹ in Europe. Legislation to set a 2040 climate net zero target and an impending circular economy law are evidence however that the programme of new lawmaking has not stopped entirely.

More significant though for environment and climate policy is the industrial competitiveness prism through which many policies and laws are now framed. The change in emphasis is not very subtle but no less important. Reaching net zero targets for example, is now more often framed as securing 'homegrown' energy and reducing reliance on fossil fuel coming from outside Europe. It is not simply about 'doing the right thing' for the global climate. Similarly, striving towards a circular economy is less about reducing Europe's global footprint (though that is clearly still an objective), it is often framed as reducing supply chain risk and preventing the leakage of critical raw materials out of the continent of Europe.

Inspired by key reports such as the Draghi report^{10,11} and the Letta report,¹² the shift towards industrial competitiveness has been driven by a number of factors including changed political dynamics in EU Member States;¹³ an at times unfriendly and openly EU-sceptic administration in the White House railing against key regulatory measures;¹⁴ an energy crisis manifesting most acutely in high electricity costs partly as a result of the slowdown of imports of Russian energy following the invasion of Ukraine; the steady offshoring of key European industries such as car manufacturing as well as direct competition from the new wave of industrial powers like China;¹⁵ and more recently, short-term impacts from conflict in the middle east, particularly on prices for key commodities like fertilisers, helium and jet fuel.

Securing jobs, including new ones in the renewable energy sector, and arresting the decline of manufacturing in Europe have been key objectives of the industrial competitiveness pivot, and taken together with the points above, have prompted a much heralded 'simplification' programme of reforms.¹⁶

The simplification programme has led to a series of 'omnibus'¹⁷ packages, bundling together multiple changes in EU legislation and accompanying administrative processes. The omnibus packages have consisted of various changes such as 'stopping the clock', essentially delaying legislation's effective start date for implementation; the initiation of 'fitness checks' of existing laws (in other words post legislative reviews to understand their effectiveness); the amendment of thresholds to which regulations apply to different sized businesses; the removal of regulatory reporting requirements; and loosened targets, among other measures.

Much maligned, the concept of simplification is often presented as a rationale for policy change but in practice has often become equated with de-regulation. Although it has led to some 'rolling back' on the high levels of ambition first set out in the EGD, it has not resulted in its wholesale abandonment. There are some genuine opportunities for regulation to be smarter and for environmental laws to be implemented in a more practicable and outcome-focused way and, in a sense, there are echoes with programmes for reform of environmental law in the UK.¹⁸ Further reforms in the simplification programme are expected with key omnibus packages on environment and chemicals regulation due to be debated and agreed in the months ahead.

But there does appear to have been a strategic reduction in ambition in certain areas of policy for example around the regulation of farming/agriculture and a noticeable lessening of ambition too in measures linked to corporate sustainability due diligence and corporate sustainability reporting.¹⁹ These have sometimes been coupled with pressure from outside Europe, for example the United States which complains about what they see as over-regulation of US companies in Europe (e.g. around regulation of methane or corporate sustainability due diligence), major industrial exporting countries like China and India (most notably around the carbon border adjustment mechanism); or countries in the Global South that argue that EU deforestation reduction measures are unfairly targeting them.

Looking ahead, the complexion of the EU's political leadership team might look different by 2030, particularly after elections in France, Germany, Spain and Italy. It is perhaps not unreasonable to foresee policies for example that are designed to stimulate greater food production and that downplay or at least restrain tendencies towards greater corporate due diligence requirements or global climate cooperation in future. For the UK, a strong awareness of the strategic challenges that are preoccupying the EU is crucial as well as an appreciation of what is potentially on the near horizon should the complexion of the leadership change significantly, come 2030, if not before.

UK context: Down but not out...

Environment failing to drive UK-EU alignment

The UK has been outpaced by the EU in strengthening its environment and climate related laws and policies since Brexit. The level of divergence – the gap between the UK and EU – in several areas of environmental law is now significant. The key questions are; what is the UK and its devolved administrations doing about that (if anything), what could they do and what might they seek to do next?

Incremental alignment

Prime Minister Burnham's recent statements that: *"Brexit has done more harm than good"* and *"We will not give Britain the clear path we need into the rest of the century until we decide on a long-term relationship with what is still our largest market"* have dominated headlines. These statements are significant factors for what will be the pace and trajectory of divergence or alignment going forward too.

Yet until it becomes clear what those mean more in concrete terms, it is Prime Minister Starmer's policy of incremental alignment that will continue to define UK-EU relations.

Starmer's government opted to pursue a policy towards greater alignment between the UK and EU. Several aspects of this of relevance to the environment can be noted. They include the ongoing 'UK-EU Reset' designed to align technical measures pertaining to an SPS/veterinary deal and introduce dynamic alignment of pesticides regulation, as well as linking the UK with the EU emissions trading scheme;²⁰ mooted plans to align the UK's long waited deforestation regulations

with EU rules²¹ and a signalled aim to align parts of the UK's regulation of chemicals with that of the EU's.²² A potentially useful legislative tool to advance alignment in the form of the Product Regulation and Metrology Act has been used only twice since its enactment.²³

It is notable though that attempts to align selected UK laws and regulations with EU ones have been focused on areas where adjustments have the potential to ease barriers to trade and thus boost economic growth. Little has been connected directly to the environment or have been driven and motivated by a desire to see shared environmental improvement put at the heart of any potential agreement(s).²⁴ As very little of this alignment agenda has actually come to fruition, it cannot be argued that the Labour government's efforts to align with EU law has been gung-ho or prolific either. More accurately, it can be described as slow and steady.

This is a missed opportunity as both the UK and EU share a similar, broad-based value system, as opposed to say, a US-style model of environment regulation.²⁵ There is little appetite or desire for example to see the UK market opened up to hormone treated beef.²⁶ Both for example wish to see high environmental standards maintained and seek in global fora to encourage other nations to prevent the worst effects of climate change. Greater cooperation between the UK and EU therefore on environment and climate could deepen levels of trust between the partners more generally and may help to unlock protracted negotiations elsewhere.

The need for explicit and strategic thinking on alignment and divergence

More recent efforts to align UK with EU law have also failed to set out why greater alignment or greater divergence is positive or negative for the UK. There has been no discernible policy or plan published by the UK Government on how it wishes to manage divergence, alignment or its effects on policy – environment, climate or otherwise.

The Starmer Government's effort to align in selected areas is perhaps the closest to what could be described as an alignment 'agenda' for any of the post Brexit UK governments, but it is probably better characterised as an accumulated set of pragmatic actions, rather than as part of a clear, long-term strategy. In Scotland where policy is to remain aligned with EU law “...where it is possible and meaningful to do so”,²⁷ there is justifiable cause to argue that there is a clear plan or strategy – though research for the Scottish Parliament has highlighted that the gap in legislative divergence is growing, including on the environment.²⁸

Some efforts have been made (under Starmer's Government) to acknowledge the impact that legislative, policy and regulatory divergence have had on the UK. This was evidenced most clearly when the Government set out its *raison d'être* for the Product Regulation and Metrology Act and most explicitly when considering how SPS and pesticides alignment might affect the UK's exporting businesses.²⁹ This latter approach was a particularly welcome development in terms of transparency and clarity about policy intentions and could serve as a model going forward, but this has been an exception not the rule to how policy change has been communicated.

There is an opportunity though for the new Burnham Government to set itself apart from

its predecessors by setting out a clearer UK wide plan, with perhaps a statement about the principles on managing divergence, alignment and its effects on policy. In line with his stated desire to 'set out the options' for what the UK's future relationship would be with the EU, this could form a key part.

Such a plan could:

- ∞ Set out which areas of policy, including policy linked directly or indirectly to the environment, where there would be a preference towards greater or lesser alignment (e.g. some aspects of chemicals policy)/divergence (e.g. policy and regulation linked to genetically modified foods).
- ∞ Establish what benefits and trade-offs or financial costs there may be for the UK should further alignment of UK-EU law take place. Being clear with domestic UK stakeholders that alignment may impact negatively on the UK and its environment in some cases – in order for example to permit increased trade with the EU's single market – is necessary in a mature democracy.
- ∞ Conversely, establishing the dangers and costs to the environment that further divergence means, particularly for UK businesses, would provide a balanced picture for decision making within the UK going forward.
- ∞ Encapsulate learning currently being developed through the negotiating process that aligning heavily regulated sectors such as those on SPS and pesticides, some of which might be made public, and some that might not. These essentially provide a model (which is currently live) for how such a strategy could work going forward if other similarly technical, and heavily regulatory sectors are candidates for alignment in future.
- ∞ Use experiences from Scotland's policy of alignment and the discussions held between Scottish stakeholders and Government including on where alignment or divergence might be beneficial, to help build a more joined up UK plan.

A strategic plan would therefore be able to set out the pros and cons and ultimately set a clear trajectory that UK stakeholders – businesses, environmental NGOs and others can understand and follow. Consideration of environment impacts should be a key part for the UK in relation to alignment/divergence and look to involve more exchange with those stakeholders. This would also clearly communicate to the EU what the UK wants and why providing reassurance and confidence in the UK as a strategic partner.

In the absence of a clear plan for alignment (or divergence), what next?

The government is currently working to conclude the 'UK-EU Reset' negotiations.³⁰ These could plausibly be concluded by 2027. Which policy areas might the government consider looking to align on next?

On the environment, there is broad scope to consider alignment, particular in various aspects of waste and circular economy policy. But there are learning opportunities aplenty for the UK government and its devolved administrations. The UK could:

1. Use the EU's recent experience on developing its environmental law and policy to its advantage particularly in how the EU rolls out implementation of new and innovative laws and policies. For example, how extended producer responsibility for textiles rolls out, or how ambitious energy efficiency programmes and the nature restoration regulation is implemented.
2. Harvest policy ideas set out in new EU environmental laws. Not every aspect of a new EU environmental directive or regulation would benefit or suit the UK so a policy of 'blanket alignment' with the EU might not be helpful. In certain areas it might be fruitful to pick out specific elements of new EU environmental laws that could be incorporated into domestic UK laws and strategy. For example, new rules to more fully make the 'polluter pay' for the cost of sewage in the water environment; new rules to tackle fast fashion including a ban on the destruction of unsold textiles; an EU Social Climate Fund to directly fund greater energy efficiency particularly in low-income homes from those that pollute the environment the most and enhanced criminal penalties to punish the severest of environmental crimes.

To adopt these approaches though, it would require a robust and preferably publicly available monitoring/tracking of the EU's relevant legislative developments and ideally a plan to gain greater access both to established scientific and technical bodies like the European Environment Agency and Eionet but also to stakeholder/technical working group forums like the one on eco-design.³¹

In conclusion: opportunities ahead

There is opportunity ahead. The warming of relations and steady build-up of goodwill as reset talks have progressed can be built upon by the new administration. The UK and EU share many of the same environmental challenges – whether that is grappling with air, water and chemical pollution; forging a robust 'circular economy' and preventing the 'leakage' of (sometimes critical) raw materials out of Europe; crafting environmentally resilient economies; or sensitively managing busy marine spaces. Perhaps crucially, as threats to global biodiversity and ecosystem collapse are more readily recognised as national security concerns,³² the need to work with the UK's closest and most long-standing partners becomes more evident. There is much common ground.

Whatever 'long-term relationship'³³ that is settled upon following Burnham's conference speech, the environment is one area that the UK-EU still share the same broad-based value system and there are gains to be had for all through greater cooperation.



DIVERGENCE IN UK-EU ENVIRONMENTAL POLICY

A STRATEGIC OUTLOOK, 2026

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.



Assessment approach

Methodology

IEEP UK's annual *Divergence in UK-EU Environmental Policy: State of Play* is part of a longer running project (see, for example its [European Environmental Policy Manual](#)) at IEEP UK to track and assess the significance of divergence in environmental policy, which started with some [initial reflections](#) on what is meant by divergence and why it matters, as well as an explanation of the [motives for and against divergence](#). This 2026 report and interactive dashboard build on IEEP UK's 2025 and 2024 state of play reports.

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 also include and report on a range of topics and issues we feel have a major and direct impact on the environment. We have, for example, decided to report on several developments related to **climate change** 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, marine** and general **cross-cutting** related developments too, though all intersect with or have some degree of import to how we view the environment or sustainability generally.

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.

Prior to leaving the EU, each of the four parts of the UK – England, Northern Ireland, Scotland and Wales – implemented broadly the same set of environmental rules, derived in large part from the European Union. Now, however, there are four indigenous sets of policy (with some exceptions of course) as the devolved administrations 'take back control' meaning that the overall picture of divergence is increasingly complex with many moving parts. There is, as a result, intra-UK divergence as well as divergence between the UK and EU. 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 therefore increasingly difficult, and we do not always get it right.

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



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 own 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. However, on the whole, the ratings reflect the broad direction of travel.

Furthermore, 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 ever thus 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.



EU

The current 2023-2027 Common Agricultural Policy (CAP) programme 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.³⁴

The basic income support for sustainability (BISS) replaced the basic payment scheme (BPS) and the single area payment scheme (SAPS) for this programme period.³⁵ 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 enough.³⁶ Despite the environmental ambitions for the 2023-27 CAP, and the expectations on Member States to weave in myriad environmental requirements into their Strategic Plans, initial evidence would suggest the climate and environmental ambitions in these Plans are insufficient to meet these goals.³⁷

Furthermore, while the enhanced General Agricultural and Environmental Conditions (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 weakened³⁸ by the CAP Simplification measures which entered into force in January 2026.³⁹

In October 2025 the European Parliament approved the **Soil Monitoring Law**,⁴⁰ the EU's first piece of comprehensive legislation on soil health and a huge milestone towards addressing Europe's

depleted soils.⁴¹ This aims to achieve healthy soils across Europe by 2050, by setting an interim target of 75% healthy soils by 2030, by reducing soil pollution and enhancing restoration.⁴² However, the targets are not legally binding, with no obligations on Member States or farmers to restore unhealthy soils to good health.

The EU's **Nitrate Directive** has seen developments this year, including allowing increased use of fertilisers derived from livestock manure (RENURE) to reduce farmers' dependency on imported fertilisers in February 2026. The European Commission also published its first comprehensive evaluation of the Nitrates Directive, making recommendations for simplification and smarter implementation.⁴³

The proposals for the next CAP 2028-2034 are currently in development and propose giving Member States more control and flexibility over how the budget is dispersed, with less direct ringfencing for environmental measures.⁴⁴

England

Of all the four parts of the UK, England has moved the furthest and fastest away from the CAP. In 2018 Defra set out⁴⁵ 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**,⁴⁶ 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:

1. The Sustainable Farming Incentive (SFI), which pays farmers for specific, and prescribed sustainable farming and land management actions (updated in February 2026 with list of actions reduced from 102 to 71).
2. Countryside Stewardship (CS), which offers payments for more targeted, ambitious, and often longer-term environmental actions and,
3. Landscape Recovery (LR) which funds larger-scale, multiparty, long-term land use change projects, though this has received less funding.

The Government's Farming Roadmap 2050 (June 2026)⁴⁷ suggests that after 2030, the balance of funding for these will shift, with an expectation that more private investment will be attracted, and that public investment will be targeted at those areas that are not attractive to private investment with a greater percentage of public funding going towards the latter two areas – CS and LR.

SFI takes a ‘pick and mix’ approach, with farmers choosing whichever actions they wish to 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, with a set, per hectare payment and set of actions and conditions attached. 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 for payments.

The release of the Environmental Improvement Plan in December 2025 and the Land Use Framework in March 2026 both include a set of non-binding targets and commitments linked to land use and agriculture (the relevant ones from the former being reiterated in the Farming Roadmap 2050). This includes a target to bring at least 60% of agricultural soils into sustainable management by 2030.

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.⁴⁸ With both CS and NR suffering from low-budget allocation and delays in availability, many farmers found themselves without any ELM scheme to apply to. The SFI reopened in summer 2026 with £240m allocated, with small farms and those farms without an existing ELMs agreement eligible to apply from end of June, and then to all farms and land managers from September 2026, with a £100,000 annual agreement cap introduced. The scheme will be open until the budget is spent, with no commitment to when new budget will be allocated. The Countryside Stewardship mid-tier agreements due to expire at end of 2025 have been extended, with £50m allocated to higher-tier agreements in 2026. Over 50 Landscape Recovery projects have received development funding, with two moving to delivery phase in 2025⁴⁹ and a third in February 2026.⁵⁰

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.⁵¹ The Senedd (Welsh Parliament) passed the **Agriculture (Wales) Act 2023**, which provides the framework for the delivery of funds and other interventions. Ahead of the new scheme's implementation, the Basic Payment Scheme was maintained.

After several years of development and consultation a new Sustainable Farming Scheme (SFS) came into effect in January 2026 with an initial transition in which farmers can choose to move from BPS to SFS or remain in the BPS for another year.⁵²

The SFS proposals include a three-layer structure: a Universal layer with 12 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.⁵³ The SFS was initially planned for introduction in 2025 but after farmer protests 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.⁵⁴

The SFS sits within the Welsh Government's Sustainable Land Management Programme. In December 2025, targets and indicators for Sustainable Land Management (SLM) were approved by the Senedd⁵⁵ with the intention that the delivery of the SFS will contribute towards these. Some targets and indicators, such as for sustainable soil management, are still in development.

In May 2026 Plaid Cymru won the Senedd Election marking a change from the historically Labour-run Welsh Government. Their manifesto⁵⁶ includes several commitments related to agriculture, including establishing multi-year funding for farmers and a review of farm reporting requirements.

Scotland

Throughout its policy development, the Scottish Government has aimed for broad alignment with EU CAP objectives. The **Agriculture and Rural Communities (Scotland) Act 2024** (ARC Act)⁵⁷, retains a form of universal area-based payment similar to the CAP, albeit with increased conditionality attached. However, Scottish Government-commissioned research into the effectiveness of CAP concluded that to be effective, direct payments must be more targeted.⁵⁸ As part of the Agricultural Reform programme⁵⁹ the new scheme consists 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 improving peatlands and wetlands, similar to the EU. In addition, farmers need to complete a Whole Farm Plan,⁶⁰ including carbon audits, soil analysis, and integrated pest management.
- ∞ **Tier 2: Enhanced** introduced in 2026 and includes additional funds for enhanced environmental practices that build on Tier 1 requirements, including more arable businesses required to manage Ecological Focus Areas (EFAs).⁶¹ While Tier 1 is comparable to EU area payments, Tier 2 has been compared⁶² to England's SFI.
- ∞ **Tier 3: Elective** is based on Scotland's Agri-Environment Climate Scheme which includes funding for a comprehensive list of high-value environmental initiatives. Funding, which opened in 2025, is competitive.
- ∞ **Tier 4: Complimentary** focuses on ongoing training, advice and professional support.

Other measures for Tier 3: Elective and Tier 4: Complementary will be introduced from 2027, meanwhile existing support mechanisms remain in place.

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 early in implementation. The incorporation of GAECs and Whole Farm Plan is positive, but the fact that 70% of funding will go to Tier 1 and 2 (with a 70:30 split respectively), with Tier 1 arguably less environmentally ambitious than England's SFI, means that there may be less available for the most sustainable practices. However, there is a commitment that over time, at least half of all funding will be targeted towards nature

restoration and climate mitigation and adaption.⁶³ March 2026 also saw the launch of Scotland's fourth Land Use Strategy⁶⁴ (2026-2031) continuing the shift towards more integrated land use.

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 Stormont Executive, most recently between 2022 and 2024.

The Sustainable Agriculture Programme, introduced following the **Climate Change Act (Northern Ireland) 2022**⁶⁵ is the main programme replacing the CAP in Northern Ireland, and includes multiple elements with the aim of improving environmental sustainability, increasing resilience and productivity and strengthening supply chains.⁶⁶ The most significant elements are the Farm Sustainability Payment Scheme, 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 with an expanded range of environmental actions supported in 2026,⁶⁷ alongside plans to support landscape-scale environmental projects, priority habitats and designated sites. Unlike the other parts of the UK, Northern Ireland doesn't have a land use strategy or equivalent.

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 test⁶⁸ 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. While soil testing is a part of schemes elsewhere in the UK, Northern Ireland's is the most ambitious and comprehensive, with over 90% of farms signed up. This exceeds their target of 75% of agricultural land to be sampled by 2027, the results of which will form a baseline for future soil health targets.

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 NI's drinking water,⁶⁹ has been devastated⁷⁰ by algal blooms and toxic blue-green algae caused by high levels of phosphorus and nitrogen, over 60% of which 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.⁷¹ These and other policies form part of the Lough Neagh Action Plan.

The overall policy approach in Northern Ireland appears more similar to Scotland, than England, but as it is still in its early stages it is difficult to assess either its environmental impact⁷² or divergence from the EU or elsewhere in the UK.

Divergence summary

In leaving the European Union, the UK also left the CAP. 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 departed from. Each has developed its own legal framework resulting in divergence from the EU's CAP and each other. UK nations have mostly phased out requirements of cross-compliance (linked to farm payments) with other rules, including Good Agricultural and Environmental Conditions. Although many statutory regulations remain for UK farmers, the change means reduced inspections and enforcement for environmental standards, as this is not a condition of the new payments schemes across the four nations which have varying requirements.⁷³

Meanwhile policy in the EU has not stood still with the current CAP (for 2023-2027) informed by greater environmental ambition than previous iterations, albeit keeping to the same broad structure and approach.

England's approach under the Environmental Land Management Scheme marks the most significant divergence with the EU with an approach which is more targeted on public goods and the environment than the other nations. The Welsh parallel also gives more priority to environmental and public goods than the CAP but still has an element of universal payment for farmers meeting some criteria. While Scotland and Northern Ireland's evolving approaches on paper would focus more on environmental benefits than CAP, for now, their approaches do not diverge as significantly from that of the EU as England and Wales.

The speed, ambition and detail of change across the UK have 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. However, in the UK, farmers have had to cope with shorter term budget cycles and therefore less predictability meaning they cannot plan ahead as well as before. This has been aggravated by several, sometime rapid changes in policy schemes often causing confusion and disappointment to farming communities. In the devolved administrations this has been compounded by the fact that while agricultural policy is devolved, Westminster determines the overall budget somewhat limiting the DA's ability to set the amount of money farmers receive. This has taken place in a wider context of increased supply chain turbulence (note the impact of various wars on for example key commodity prices like fertilisers), but also other domestic policy change e.g. changes to farming inheritance tax. These have created significant anxiety and resistance from many in the farming community, which among other things might be to the detriment of the environmental impact of these new schemes.

It is important to also note the potential impact of the UK-EU SPS deal which would influence standards intricately interwoven with agricultural production and environmental impact. While pesticides has its own dedicated chapter, it is important to flag that the SPS negotiations has thrown up questions over the future of the UK ban on use of horticultural peat, novel food labelling (impacting the alternative protein market), with the UK stating its intentions to seek derogations in the deal to maintain its animal welfare standards and precision breeding laws.

Recent developments

- ∞ The EU's Common Agricultural Policy 'simplification' (omnibus) package became effective from January 2026, with an aim to cut red tape and boost flexibility, including simplified payment schemes for smaller farmers, recognised equivalency of certified organic farms to conditionality requirements, and incentives for farmers to protect peatlands and wetlands. However, this package may risk weakening environmental requirements, with the reduction of on-farm controls and reporting requirements and removing the requirement to update the current CAP in line with new EU environmental and climate legislation.
- ∞ The current proposals for the next CAP (from 2028) suggest a similar trajectory to the omnibus/simplifications with even less ring-fencing for the environment.
- ∞ Some progress on soils policy – While the EU has introduced legislation (October 2025) intended to improve soil management,⁷⁴ the lack of obligations on member states or mandatory targets effectively puts it in a not too dissimilar position to England whose non-binding 2030 target is slightly lower than the EU.
- ∞ In the UK there have been several key policy developments which impact upon agriculture and land use though not all involve significant new legislation. These include, the Environmental Improvement Plan (EIP)'s 2030 healthy soils target, a Land Use Framework and Farming Roadmap 2050 for England; a new Sustainable Farming Scheme in January 2026, sitting under the Sustainable Land Management programme, contributing to its newly agreed (December 2025) targets and indicators for Wales; and in Scotland a newly released Land Use Strategy.



EU

A European Commission communication establishing a Zero Pollution Action Plan⁷⁵ 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'⁷⁶ 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).⁷⁷ This replaces a directive from 2008 which the UK had implemented while 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.⁷⁸ It updates binding standards on various major pollutants, including PM_{2.5} and PM₁₀, nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and ozone (O₃), and introduces 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.

The UK Government 2025 Environmental Improvement Plan includes a revised target date for the UK to achieve a PM_{2.5} limit value of 10 µg/m³ by 2030. This has been brought forward from 2040 and closes a previous divergence gap between the UK and EU. A notable devolved advancement was Scotland's move to set its limit value for PM₁₀ to 18 µg/m³ ahead of both the rest of the UK and the EU.

Table 1 Guideline limits for major pollutants
($\mu\text{g}/\text{m}^3$, annual mean unless stated)

Pollutant	Limit value				
	New EU Ambient Air Quality Directive			UK Air Quality Standards Regulations 2010	Current devolved targets (where different to AQSR 2010)
	WHO Air Quality Guidelines (2021)	Dec 2026 (carried over from former directives)	Jan 2030		
PM_{2.5}	5 $\mu\text{g}/\text{m}^3$	25 $\mu\text{g}/\text{m}^3$	10 $\mu\text{g}/\text{m}^3$	20 $\mu\text{g}/\text{m}^3$ (2020); 15% reduction in urban areas 2010-2020	10 $\mu\text{g}/\text{m}^3$ in Scotland (2020); 10 $\mu\text{g}/\text{m}^3$ in England and Wales by 2030 (Environment Act 2021/EIP 2025)
PM₁₀	15 $\mu\text{g}/\text{m}^3$	40 $\mu\text{g}/\text{m}^3$	20 $\mu\text{g}/\text{m}^3$	40 $\mu\text{g}/\text{m}^3$ (2004);	18 $\mu\text{g}/\text{m}^3$ in Scotland (2010)
NO₂	10 $\mu\text{g}/\text{m}^3$	40 $\mu\text{g}/\text{m}^3$	20 $\mu\text{g}/\text{m}^3$	40 $\mu\text{g}/\text{m}^3$ (2005)	-
SO₂ (24-hour)	40 $\mu\text{g}/\text{m}^3$	125 $\mu\text{g}/\text{m}^3$ (3/year)	50 $\mu\text{g}/\text{m}^3$ (18/year)	125 $\mu\text{g}/\text{m}^3$ (2004) (3/year)	-
O₃ (daily 8-hour mean)	100 $\mu\text{g}/\text{m}^3$	120 $\mu\text{g}/\text{m}^3$ (18/year)	100 $\mu\text{g}/\text{m}^3$ (3/year, Jan 2050)	100 $\mu\text{g}/\text{m}^3$ (2005) (10/year)	-

There have been several other changes to EU air quality policy causing legislative divergence with the UK. The updated 2024 **Industrial Emissions Directive** (IED) has expanded its scope to cover a higher percentage of large pig and poultry farms and 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.⁷⁹

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.⁸⁰ The EU's 2025 Environmental Omnibus proposed changes to the IED in order to cut compliance costs, although these are yet to be enacted in EU law. Meanwhile, the UK Government is actively considering including dairy and intensive beef sectors in England in the Environmental Permitting Regulations (EPR).

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 regulation⁸¹ 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. The UK Government nonetheless conducted a consultation in 2025 on amending the phasedown schedule for HFCs, which it is currently reviewing.

In 2024 the EU also adopted a new **Regulation on Ozone-Depleting Substances** (ODS),⁸² 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 2035.⁸³ Burnham's administration has not changed these dates, although is considering reducing the accompanying zero-emission sales mandate for 2030 from 80% to 50%.

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.⁸⁴

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 2024,⁸⁵ 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 2023.⁸⁶

Upon coming into power, the Labour Government pledged to bring in a new Clean Air Act,⁸⁷ but since stepped away from this commitment, instead focusing on developing a new air quality strategy to 'deliver legally binding targets on improving air quality'⁸⁸ building on the previous 2023 Air Quality Strategy.⁸⁹

Legislative targets for major pollutants in England currently lag behind the EU 2030 targets, specifically those for PM_{2.5}, PM₁₀, NO₂, and O₃.⁹⁰ 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**,⁹¹ then a change in the target date for that limit value to 2030 in the 2025 Environmental Improvement Plan,⁹² aligning with the EU. Other targets for major pollutants are still regulated by The Air Quality Standards Regulations 2010⁹³ which are derived from the 2008 Ambient Air Quality Directive.

Industrial emissions in England are regulated by **The Environmental Permitting Regulations (England and Wales) 2016**,⁹⁴ 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.⁹⁵ It reaffirmed this commitment in its 2025 Environmental Improvement Plan.

It is important also to note that within England, city and mayoral regions are able to use devolved powers over transport, including low-emission zones, as well as other areas such as planning and smoke control, to make local progress on air quality. For example, London's Ultra-Low-Emissions Zone (ULEZ) has delivered substantial pollution reductions, particularly of NO₂ and PM_{2.5}, with benefits for human health⁹⁶.

Scotland

Scotland's current national strategy for air quality is Cleaner Air for Scotland 2 – Towards a Better Place for Everyone.⁹⁷ 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, with its current PM₁₀ target being more demanding than the EU's 2030 target.

Industrial emissions in Scotland were until November 2025 regulated by **The Pollution Prevention and Control (Scotland) Regulations**, which transposed the EU's IED. Since November 2025 the regulations have been replaced by the **Environmental Authorisations (Scotland) Regulations 2018**.⁹⁸ These new regulations integrated Scotland's core environmental regimes (water, waste, industrial emissions, and radioactive substances) into a single framework managed by the Scottish Environment Protection Agency (SEPA).

Cleaner Air for Scotland 2 as a strategy and planning cycle runs up until the end of 2026, so a successor framework is expected to be announced around December 2026.

Wales

In 2020, the Welsh Government published the Clean Air Plan for Wales,⁹⁹ 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**¹⁰⁰ 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 2010**¹⁰¹ though 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](#)). However, the 2024 Act empowers Welsh Ministers to set pollutant-specific targets (e.g. PM_{2.5}, NO₂, ammonia).

Wales's 2025 State of Natural Resources Report showed the nation has made notable progress in improving air quality, particularly regarding concentrations of nitrogen dioxide in many urban areas. However, ammonia and ozone levels remain an issue, especially for sensitive habitats.

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**¹⁰² regulate industrial emissions in Northern Ireland and transposed the EU IED.

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.

In 2026, The Department of Agriculture, Environment and Rural Affairs (DAERA) launched a public consultation on the **Draft Air Quality (Amendment) Regulations (Northern Ireland) 2026**¹⁰³ to tighten annual average particulate matter (PM₁₀ and PM_{2.5}) limits, targets, and objectives in

Northern Ireland. The consultation seeks views on a proposed statutory rule that would bring into operation the following new annual average limits across Northern Ireland with compliance required by 1 January 2028, aligning with interim target 4 of the World Health Organisation (WHO) Air Quality Guideline (AQG) levels:

- ∞ **Limit values:** PM_{2.5} – 10 µg/m³ (currently 25 µg/m³), PM₁₀ – 20 µg/m³ (currently 40µg/m³).
- ∞ **Target value:** PM_{2.5} – 8 µg/m³ (currently 25 µg/m³).
- ∞ **Objective:** PM₁₀ – 20 µg/m³ (currently 40 µg/m³).

Divergence summary

Since the UK's exit from the EU, the four constituent nations of the UK have generally been left behind by EU legislative developments within matters of air policy. There has also been one case of regression where UK policy has gone backwards. This involved changes to 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 recognise that Scotland's PM₁₀ target is more ambitious than the latest target set by the EU.

There has been a 'divergence by default' (or 'passive' divergence) with regard to F-Gases and ozone depleting substances regulation between GB and the EU (Northern Ireland applies EU rules as per the Northern Ireland Protocol/Windsor Framework agreement) and industrial emissions regulation between the UK and EU.

Recent developments

- ∞ The UK Government 2025 Environmental Improvement Plan includes a revised target date for the UK to achieve a PM_{2.5} limit value of 10 µg/m³ by 2030, brought forward from 2040. This closes a previous divergence gap between the UK and EU.
- ∞ In Northern Ireland has been consulting on its **Draft Air Quality (Amendment) Regulations (Northern Ireland)** to tighten annual average particulate matter (PM₁₀ and PM_{2.5}) limits, targets, and objectives in Northern Ireland. If enacted, the proposed statutory rule would bring into operation new annual average limit values across Northern Ireland with compliance required by 1 January 2028, aligning with interim target 4 of the World Health Organisation (WHO) Air Quality Guideline (AQG) levels.
- ∞ Industrial emissions in Scotland were until November 2025 regulated by **The Pollution Prevention and Control (Scotland) Regulations**, which transposed the EU's IED. Since November 2025 the regulations have been replaced by the **Environmental Authorisations (Scotland) Regulations 2018**. These new regulations integrated Scotland's core environmental regimes (water, waste, industrial emissions, and radioactive substances) into a single framework managed by the Scottish Environment Protection Agency (SEPA).

CHEMICALS



EU

In late 2020, the EU published a new Chemicals Sustainability Strategy¹⁰⁴ indicating that a revision to the EU regulation for the **Registration, Evaluation, Authorisation, and Restriction of Chemicals** (EU REACH), its flagship policy, would take place. However, pushback from various industry interests prompted the European Commission to begin a 'strategic dialogue' in 2025 on the future of the EU's chemical industry.¹⁰⁵ This formed part of a wider programme of 'simplification' undertaken by the EU to streamline regulation. An initial proposal from the European Commission for a revised 'REACH 2.0' in September 2025 was rejected by the Regulatory Scrutiny Board that same month. After a short delay, the EU announced in April 2026, that it would not be revising REACH after all, opting instead to focus on regulatory simplification and targeted restriction measures on PFAS and endocrine disruptors.

Despite this, EU REACH has continued to restrict harmful chemical substances. Since Brexit, the EU has adopted 14 restrictions, including intentionally added microplastics and formaldehyde, while a further 10 substance restrictions have been initiated,¹⁰⁶ meaning that files have been opened with a view to possible restriction in the near future. Additionally, the EU has set out a 'Restrictions Roadmap',¹⁰⁷ which initially aimed to ban another 5-7,000 harmful chemicals by 2030 under a group-based approach.¹⁰⁸ The EU has, however, faced criticism for its slow progress towards the targets and deadlines set out within the roadmap.¹⁰⁹

Similarly, the EU has added 44 'Substances of Very High Concern' (SVHC) since Brexit to its 'candidate list' meaning enhanced information on hazards are required to be provided to consumers by companies producing such chemicals. It has also added five SVHCs to its 'authorisation list' which means that they can only be used under authorised use cases.¹¹⁰

In late 2024, the EU revised the 2008 **Classification, Labelling and Packaging (CLP) Regulation**,¹¹¹ another key part of the chemicals policy framework. This legislation has strengthened measures around how chemicals are sold, for example through online marketplaces, and mandates that products should have clearer labelling (as well as introducing digital labelling) and that online advertisements must contain information on the hazards in a way as to make it easier for consumers to understand and make sustainable choices. The implementation dates of certain aspects of this revision have, however, been delayed by the Commission's Omnibus VI package on chemicals.¹¹²

The revision to the CLP regulation also introduced six new formal hazard classes, including Persistent, Bioaccumulative, Toxic (PBT); very Persistent, very Bioaccumulative (vPvB), and Persistent, Mobile, Toxic (PMT). The addition of these new classes is important as it allows for the classification of emerging and previously insufficiently addressed hazards, creating a stronger basis for regulatory action – and particularly group-based restrictions¹¹³ under REACH. Trifluoroacetic acid (TFA), a Per- and Polyfluoroalkyl Substance (PFAS), is set to become the first substance to be classified as PMT/vPvM, and resorcinol the first to be classified as an endocrine disruptor, after ECHA's Risk Assessment Committee¹¹⁴ adopted an opinion on these substances in June 2026. These decisions have been described as an important milestone in the evolution of chemical hazard classification.¹¹⁵

Since Brexit, the EU has, under Annex XVII of EU REACH, banned a number of PFAS sub-groups including C9-C14 PFCAs (2023) and PFHxA (2024), as well as introduced a sector-specific ban on the use of PFAS in firefighting foams (2025). However, given the scale of the dangers presented by PFAS pollution, this 'one-by-one' or 'whack-a-mole'¹¹⁶ approach has been criticised for being a key factor in why it has taken so long for regulatory authorities to address the PFAS issue.¹¹⁷ There has, however, been progress towards a universal PFAS restriction in the EU. This originated in 2021 when a group of four EU Member States (Germany, Denmark, Netherlands and Sweden), together with Norway, informed ECHA of their intention to propose such a ban.¹¹⁸ In 2023, a formal universal restriction proposal was submitted by these nations, before a public consultation. In March 2026, ECHA issued its final Risk Assessment Committee opinion, and the draft opinion of the Committee of Socio-economic Analysis (SEAC), both of which were generally supportive of such a restriction, subject to certain derogations. ECHA's final opinion is likely to be announced by the end of 2026.

The EU has also put in place additional legislation outside of REACH restricting PFAS. This includes the 2025 **Packaging and Packaging Waste Regulation**,¹¹⁹ which restricts food packaging containing PFAS concentrations above specified limits from August 2026, and the 2023 **Food Contaminants Regulation**,¹²⁰ which sets limit values for PFAS in food. The revised 2025 **Toy Safety Regulation**¹²¹ also prohibits the use of PFAS in children's toys.

More widely, other legislative changes outside of REACH since Brexit have had a bearing on divergence in UK-EU chemicals policy. Many of the products that we buy, sell and use contain chemicals. Changes to the EU's **Ecodesign legislation**¹²² has relevance as the EU will be

considering how to address the presence of hazardous chemicals in those products and how effectively they can be recycled, repaired and/or reused. The passing of the recast 2024 **Urban Wastewater Treatment Directive** (further detailed in the [Water](#) section of this report) is significant, as it creates an extended producer responsibility scheme for micropollutants, meaning that cosmetics and pharmaceuticals producers will have to pay at least 80% of the costs of the quaternary treatment required to remove these compounds from wastewater. Similarly, chemical pollution is addressed through the revision of the 2024 **Industrial Emission Directive**, including PFAS which are subject to new stricter monitoring, including an obligation to report on PFOA and PFHxS emissions from 2028.

The EU's 'Omnibus VI' package focuses on chemicals, and centres around the simplification of existing chemicals legislation, including the CLP Regulation, **Cosmetic Products Regulation**, and the **Fertilising Products Regulation**. The first proposal within this package entered into force in December 2025 and delays the dates by when companies have to follow or apply rules previously agreed under the CLP Regulation.¹²³ The second proposal focuses on substantial changes to provisions included within all three laws but is still to be adopted.¹²⁴

UK

Great Britain – England, Scotland & Wales

In 2018, the UK government committed under Prime Minister Theresa May to producing a Chemicals Strategy¹²⁵ to “*manage the risks [...] and promote [the] safe production, transport and use*”¹²⁶ of chemicals post-Brexit. Since then, the threat of PFAS pollution has also come to wider public attention, but such a strategy has still not materialised. This commitment to producing a strategy has not been taken forward by the new Labour government.

A particularly significant change to UK chemicals policy occurred after Brexit with the UK withdrawing from EU REACH and establishing a parallel indigenous system called **UK REACH**.¹²⁷ UK REACH applies in Great Britain (GB), while Northern Ireland applies EU REACH under the Windsor Framework. This is, in itself a classic example of regulatory divergence, the significance of which is mostly through the lack of data and reduced capacity that the Health and Safety Executive (HSE) that administers UK REACH has^{128,129} compared to the European Chemicals Agency (ECHA) that administers EU REACH. This has become more apparent over time, as data and information gathered by CHEM Trust shows.¹³⁰

Since leaving the EU, GB has restricted two harmful chemical substances under UK REACH (lead in gunshot and certain tattoo inks), with another restriction (PFAS in firefighting foams) currently under consideration, many fewer than the EU's 14 new substance restrictions and 10 under consideration.¹³¹

GB has added 15 substances to the 'Substances of Very High Concern' (SVHC) candidate list since Brexit, all of which were added in June 2026, and none at all to the SVHC authorisation list,

though three substances are under consideration for addition. This contrasts with the 44 and 5 added to the respective equivalent lists by the EU during this period.¹³²

GB has failed to keep pace with the EU in its regulation of PFAS – not only in its failure to match REACH restrictions on C9-C14 PFCAs and PFHxA, but also in its lack of equivalent legislation to the PFAS restrictions set out in the EU’s 2023 **Food Contaminants Regulation**, 2025 **Packaging and Packaging Waste Regulation**, and 2025 **Toy Safety Regulation**. While the EU has pursued a group-wide universal PFAS restriction in the last few years, the UK Government has made no such commitment, instead outlining in its evidence to the Environmental Audit Committee’s (EAC) 2025/26 PFAS inquiry that the substances “*are a global challenge, and their persistence unfortunately means there are no ‘quick fixes’*”.¹³³ A ‘PFAS Plan’ published by the UK Government in February 2026 contained little clarity on future alignment with wider EU PFAS restrictions, and lacked important short-term measures, pushing many of the most difficult regulatory decisions to the future.¹³⁴ The final report of the EAC’s PFAS inquiry called for the UK to “*avoid unnecessary regulatory divergence*” and “*use [...] existing EU-UK dialogue mechanisms to support UK alignment with EU REACH*”, additionally recommending that the UK Government study ECHA’s forthcoming assessment of the group PFAS restriction within three months of its publication.¹³⁵ In its response to this report, the Government suggested that it will take a ‘wait-and-see’ approach to the EU’s group-based restriction.¹³⁶

Despite the divergence between the UK and EU REACH regimes to date, in 2026 the UK Government suggested that it is planning to amend UK REACH to speed up restrictions, using EU REACH restrictions “*as a starting point for UK REACH, diverging only where really necessary*”.¹³⁷ This follows – and provides greater clarity on – its commitment in the 2025 Environmental Improvement Plan which stated: “*reform [UK REACH] to enable protections that address chemical pollution to be applied more quickly, efficiently and in a way that is more aligned with our closest trading partners, especially the EU, by December 2028*”¹³⁸. This timeline is considerably slower than the recommendation of the EAC’s PFAS inquiry, which calls for reform to UK REACH by March 2027.¹³⁹

The **Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026**,¹⁴⁰ which came into force in May 2026, amended GB **Classification, Labelling and Packaging (CLP) regulations**, as well as the **Biocidal Products and Prior Informed Consent Regulations**. Concerns were raised during its passage that GB has fallen behind on CLP, having not matched the six new hazard classes introduced by the EU in its 2023 revision to the CLP Regulation. During the debate in the House of Lords, however, the UK Government indicated that it plans to introduce these classes into UK legislation through secondary legislation by June 2027.¹⁴¹

More widely, the regulations updated the manner in which hazardous substances are assessed and classified under the CLP Regulation, creating a new ‘fast-track system’ which allows the Government to rely on decisions made by other ‘trusted jurisdictions’, rather than carrying out its own full chemical safety assessments.¹⁴² Despite HSE initially indicating that only the EU would be recognised as a trusted jurisdiction,¹⁴³ this was not reflected in the final SI, which

outlines wider criteria and allows for HSE's discretion in their selection.¹⁴⁴ Fighting Dirty, a campaign group, has argued that this may allow hazard classification decisions from countries “with weaker standards than the UK and EU to be fast-tracked into UK law”, and has initiated legal proceedings against the Government.¹⁴⁵

Northern Ireland

Despite what its name implies, UK REACH only applies to Great Britain, while Northern Ireland continues to apply EU REACH following rules set under the Northern Ireland Protocol/Windsor Framework. Northern Ireland also applies the EU's CLP regulation, the 2023 **Food Contaminants Regulation**, parts of the 2025 **Packaging and Packaging Waste Regulation**, including restrictions on PFAS in food packaging, and the 2025 **Toy Safety Regulation**.

Divergence summary

Chemicals policy is an area which has seen increasing UK-EU divergence since Brexit. This is most apparent in the UK falling behind EU progress on new restrictions of harmful chemicals under REACH, having restricted only two substances since Brexit compared to the EU's 13, and adding comparatively few chemicals to the SVHC candidate and authorisation lists. This can be at least partly attributed to HSE's comparatively limited capacity to fulfil its role as the competent authority for UK REACH.¹⁴⁶

Additionally, the EU has gone further than the UK in tightening up rules around the classification, labelling and packaging of chemicals, including the introduction of new hazard classes that lay the groundwork for group-based restrictions of harmful substances. It has also outpaced the UK in regulating PFAS – not only through REACH restrictions, but also through legislation targeting their presence in food, food packaging, and children's toys. Progress towards a universal PFAS restriction in the EU continues, and while the UK Government has yet to explicitly commit to a similar ban, it has indicated that it will mirror EU REACH regulatory decisions on PFAS, “unless there are compelling reasons to diverge”.¹⁴⁷

The recent commitments from the UK Government to bring UK REACH into alignment with EU REACH is a positive step forward for environmental and human health in the UK, though it must now provide further detail about the process and scope. In line with the recommendations of the EAC, it should also expedite this process of alignment, avoiding unnecessary delays which could see the UK become a ‘dumping ground’ for harmful chemicals (including PFAS) that are non-compliant with EU regulation.¹⁴⁸

The continuing 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, and the loss of UK leadership on PFAS. To counter this, organisations including IEEP UK¹⁴⁹ have called for a UK-wide Chemicals Agency to tackle the life-cycle nature of the chemicals threat,¹⁵⁰ as well as a dedicated Chemicals Act.¹⁵¹

Recent developments

- ∞ The UK continues to lag behind the EU on chemical restrictions imposed under their respective REACH regimes, though since the last edition of this report has put in place its first two restrictions on lead in gunshot and certain tattoo inks and added its first 15 substances to the SVHC candidate list.
- ∞ In December 2025, and in subsequent clarificatory announcements, the UK Government has announced that it plans to reform UK REACH to align more closely with EU REACH by December 2028. The EAC has recommended that this date be brought forward to March 2027, citing IEEP UK evidence that the UK could become a 'dumping ground' for harmful chemicals that are non-compliant with EU rules.¹⁵²
- ∞ While the EU has continued to advance its group-wide 'universal' PFAS ban, the UK has not yet followed suit and instead has published a national PFAS Plan which has been criticised for delaying critical regulatory decisions.
- ∞ The wide-ranging final report of the EAC's PFAS inquiry produced a number of key recommendations for the UK Government, including a desire to avoid unnecessary UK-EU regulatory divergence which could lead to greater exposure to PFAS for the UK public.

CIRCULAR ECONOMY & WASTE



EU

Moving from a linear ‘take, make, use and dispose’ economy to a circular economy has been a major focus of EU environmental policy in recent years. Overarching strategic plans such as the 2020 **Circular Economy Action Plan**,¹⁵³ which forms part of the wider European Green Deal are key in guiding this transition. The EU views this linear model not only as environmentally unsustainable but also as a geopolitical weakness and strategic vulnerability because the continent is dependent on the import of a vast array of raw materials including critical ones (e.g. metals and minerals like lithium, tungsten and nickel). The EU’s communications in recent years have focused heavily therefore on issues such as reducing external dependencies (i.e. the import of materials), incentivising the reduction in overall quantities of materials need, improving recycling within the EU and the recovery of such materials, prevent the ‘leakage’ of such raw materials out of the EU at the end of their life and support businesses in the EU by incentivising the use of higher quality and quantities of useable ‘secondary’ raw materials.

As a result, and since the UK’s exit from the EU, there has been a wide range of new and updated regulations and directives across the circular economy (and waste) related policy theme leaving the UK in its trail. Areas of circular economy policy that have seen legislative change include for example: ecodesign, sustainable products, textile and food waste, batteries, critical raw materials, plastics, packaging, and persistent organic pollutants (POPs).

In late 2026, a **Circular Economy Act** is widely expected to be proposed. Among a range of measures being proposed, this is primarily aiming at developing a more efficient Single Market across the EU for ‘secondary raw materials’ – in other words, recycled materials that have been recovered from waste or a product at the end of its life. As this has not been formally proposed, nor adopted yet, it does not feature in our divergence rating classification.

The 2024 **Ecodesign for Sustainable Products Regulation**¹⁵⁴ (ESPR) is particularly progressive and highlights a significant area of post-Brexit legislative divergence between the UK and EU. The ESPR replaced and extended the Ecodesign Directive 2009 – a law the UK implemented when it was a member of the EU – by expanding its scope to cover virtually all physical products, rather than only energy-related goods which current UK legislation focuses on. The legislation seeks to increase a product's sustainability by requiring greater energy efficiency, recyclability, durability and recycled content to be included within it. The ESPR applies to all products being produced inside or outside of the EU that are sold on the EU market meaning that UK manufacturers or those from Asia for example will have to comply with the tighter regulations if they wish to sell to EU consumers.

There are several important elements within the ESPR including around digital product passports (DPP), energy labelling¹⁵⁵ and green public procurement. A testing phase for a new Digital Product Passport Registry went live in July 2026 ahead of full rollout expected in 2027.¹⁵⁶ Coming into force on 19 July 2026,¹⁵⁷ the EU has introduced a **ban on the destruction of unsold consumer products** such as textiles and footwear as well as other consumer products.¹⁵⁸ New laws are intended to encourage the re-manufacture and refurbishment to make those products last longer and prevent waste as well as drive the disclosure of more information from businesses on the creation of unsold products.

The EU has put in place further regulatory measures aiming to promote sustainability in the products we buy, sell and use. These include:

- ∞ A 2023 **Regulation on Ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones**.¹⁵⁹
- ∞ A 2024 **Directive on Repair of Goods**,¹⁶⁰ 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**,¹⁶¹ which ensures that third parties are held liable for any product repairs, modifications and upgrades that they have made.
- ∞ The 2024 **Directive on empowering consumers for the green transition**,¹⁶² 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.¹⁶³

In an effort to reduce textile and food waste, the EU revised its **Waste Framework Directive** (WFD) in September 2025.¹⁶⁴ The earlier 2009 directive was implemented by the UK when it was a member of the EU. The EU's revised legislation goes further than its predecessor 2009 directive by requiring the introduction of Extended Producer Responsibility (EPR) Schemes for textiles. These provide 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

intentions set out in the Strategy for Sustainable and Circular Textiles¹⁶⁵ but does not contain specific targets for carbon and water footprint reductions within the textile supply chain. The revised directive outlines Member State food waste reduction targets of 10% for manufacturers and processors and 30% for retail, restaurants, food services and households by 2030. This comes under the umbrella of the EU's Farm to Fork Strategy,¹⁶⁶ though has faced criticism for not going far enough in meeting the commitment made within the Strategy of cutting per capita food waste by 50% over the same period.¹⁶⁷

An updated EU **Waste Shipments Regulation** from 2024¹⁶⁸ applies a variety of new rules from mid-2026 and 2027. For example, from 2027, exports of non-hazardous waste (e.g., paper, cardboard, glass) to non-OECD countries will be banned alongside exports of hazardous waste exports to non-OECD countries. There are some further rules obligating waste exporters to carry out certain activities should they wish to continue operating as well as around the monitoring of illegal waste shipments.

An upgrade to an earlier directive which the UK had implemented while being a member of the EU, the 2023 **Batteries Regulation**¹⁶⁹ introduces more stringent end-of-life management, including targets for recycling efficiency, recycled content and material recovery¹⁷⁰ and a prohibition for sending batteries to landfill. The regulation requires the use of digital product passports to increase manufacturer transparency on battery composition, their recyclability as well as recycled content included within them. The obligations on businesses were due to apply from August 2025 but pushback from member states has prompted the introduction of a 'stop the clock' law¹⁷¹ to effectively postpone implementation of the 2023 Batteries Regulation until August 2027. This is part of the wider 'simplification' or 'omnibus' package of reforms.

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**.¹⁷² This 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 nonbinding 2023 **Recommendation on improving the rate of return of used and waste mobile phones, tablets and laptops**¹⁷³ which aims to improve the collection and recycling rates of these goods as many of these products contain valuable critical raw materials. The UK has not matched the EU's legislative approach to securing CRMs preferring instead to publish a non-binding, non-legislative policy strategy. This arguably lacks the 'bite' that a legislative approach has. However, a European Court of Auditors report in February 2026 argued that the EU's approach to securing CRM was not yet delivering the results it ought to.¹⁷⁴

A **Single-Use Plastics Directive**¹⁷⁵ 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.¹⁷⁶

In November 2025 the EU adopted a new **Regulation on preventing plastic pellet losses to reduce microplastic pollution**¹⁷⁷ which introduces a new risk management framework to minimise losses of these pellets to the environment throughout the value chain.

Circularity requirements for vehicle design and management of end-of-life vehicles – A European Commission proposal to amend and merge two older laws one on circularity requirements for vehicle design (in other words, to design vehicles in such a way as to make it easier for them to be recycled) and on management of end-of-life vehicles, particularly to prevent non-roadworthy vehicles being exported outside of the EU. The new, merged regulation would introduce new targets for the amount of recycled content to be used in the production of new vehicles too. This builds on older laws that the UK implemented as a member of the EU and should it pass would open up a new front of legislative divergence between the UK and EU. It is possible that the new law will be adopted in late 2026.

Applying from August 2026, the **Packaging and Packaging Waste Regulation**¹⁷⁸ (PPWR) sets binding re-use targets, requires producers to minimise packaging, restricts single-use packaging for certain products, and bans packaging containing Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)¹⁷⁹ above a certain threshold. The Regulation also set out a requirement for Member States to introduce mandatory deposit return schemes (DRS) for plastic bottles and aluminium cans by 2029.

England

The publication of a 2018 Waste and Resources Strategy for England¹⁸⁰ 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.¹⁸¹ Indeed, despite anticipated *policy* change there has been limited *legislative* change to date since Brexit with regard to circular economy. The main policy change expected is the publication of a Circular Economy Growth Plan which was commissioned by the Labour Government in late 2024.

The establishment of a Circular Economy Taskforce in November 2024 tasked with developing a Circular Economy Growth Plan is seen as a core aspect of UK government's development of circular economy policy for England. The plan was expected to be published in Autumn 2025. It is unclear when publication will take place with several organisations calling for publication as soon as possible including members of the government's taskforce itself.¹⁸² Though the new plan may show signs of renewed impetus across circular economy policy, it is unclear how much legislative change this plan will actually entail.

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',¹⁸³ there has been little change to law and policy relating to ecodesign since 2010.¹⁸⁴ The **UK Products and Metrology Act**,¹⁸⁵ passed in 2025, is considered by some as a possible tool for aligning environmental product standards in Great Britain with those from the EU.¹⁸⁶ The Act has been used on a small number of occasions

since its enactment to align with the EU, for example to amend EU-era retained legislation linked to noise emissions from outdoor equipment¹⁸⁷ and to extend the Conformité Européenne ('CE') mark recognition for energy related products sold in Great Britain under the new ESPR.

A new Digital Waste Tracking Service has been launched in August 2026. Though still in its testing phase, 'receivers of waste' (i.e. those that hold a waste permit or licence) will be required to use the service from late 2026 to record and track all waste they receive into their site or facility. This is designed to tackle illegal waste movements and monitor materials being recycled and recovered in the economy. This is a UK wide initiative.

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,¹⁸⁸ 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) Regulations 2024**.¹⁸⁹

Approaches to tackling textile and food waste in England have largely revolved around voluntary measures. WRAP's Textiles 2030 programme for example aims to reduce carbon and water footprint within the textile supply chain by 50% and 30% respectively by 2030.¹⁹⁰ 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 has not taken place. Legislative progress has been limited to **The Separation of Waste (England) Regulations 2025**,¹⁹¹ 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%.¹⁹²

The UK Government published a Battery Strategy in November 2023 to build on earlier legislation,¹⁹³ which includes ambitions to increase supply chain sustainability and resilience, explore international cooperation, and ensure that the sector 'develops practical, widely adopted international standards'.¹⁹⁴ 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 2022¹⁹⁵ (with a 2023 'refresh'),¹⁹⁶ 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.¹⁹⁷ A Deposit Return Scheme for plastic and metal drinks containers is expected to be implemented in October

2027 with an initial 20p rate imposed for all containers in scope.¹⁹⁸

England introduced an **Extended Producer Responsibility (EPR) scheme for packaging and packaging waste in 2025**,¹⁹⁹ 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 this is a positive step, the packaging EPR is less ambitious than the EU's PPWR, as 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 in December 2024²⁰⁰ and most recently a Circular Economy Strategy in March 2026. These stem from recent legislative change, the **Circular Economy (Scotland) Act 2024**.²⁰¹ Among its many provisions, the Act requires Scottish ministers to impose circular economy targets by 2027. To date, these have not been published. It empowers ministers to be able to restrict the disposal of unsold consumer products and for ministers to apply charges to suppliers of single use items (to discourage their supply); neither power has been utilised yet. Several other powers linked to enforcement of waste related legislation are included within the Act too.

The 2026 Circular Economy Strategy identifies five priority sectors for Scotland: Built Environment, Energy Infrastructure, Textiles, Transport and the Food System.

On the food system, the strategy outlines several measures to improve circularity such as guiding household food waste reduction behaviour and working across supply chains. It also includes a pledge for stakeholder options to implement mandatory reporting for food waste for businesses and an 'intervention plan' to be published in 2026/27 to 'guide long term work on household food waste reduction behaviour'.²⁰² It is in a sense moving towards a system that is beginning in England in regard to mandatory food waste reporting for business, but the strategy does not indicate that it is considering mandatory targets like those set by the EU under its recently revised Waste Framework Directive.

On textiles, the Circular Economy Strategy states that the Scottish government will "*seek to implement a new EPR programme for textiles in partnership with the other nations of the UK. We will also consider the viability of producer responsibility schemes for mattresses and furniture in partnership with business*".²⁰³ It states that the government is considering measures to 'seek alignment with the EU' on the disposal of unsold consumer goods, including textiles but there is no firm commitment.

On the built environment, the strategy aims to promote the adoption of lifecycle assessments for buildings (including through amendments to planning guidance), develop a sector roadmap with stakeholders for the adoption of low carbon materials and increase the reuse of construction materials by continuing to support 'Circular Construction Hubs'.²⁰⁴

On energy infrastructure, a key element is to commission research into better understanding supply chain risks for critical raw materials for renewable and net zero technologies. It commits Scotland to continue engaging with UK Government on the UK-wide Critical Mineral Strategy.

On transport, the strategy states that it will look to align (“where we can”)²⁰⁵ with the EU’s impending legislation on vehicle design and management of end-of-life vehicles (see EU section above) as well as the waste shipments regulation and batteries regulation.

There are two further important elements laid out in Scotland’s circular economy strategy: the development of a ‘Product Stewardship Plan’ to be published in 2026 and a circular economy monitoring and indicator framework to be developed by 2027. Product stewardship is a lifecycle approach to managing a products impact on the environment. Focusing mainly on supporting development and the operation of UK producer responsibility schemes for packaging, electronics, batteries, and end-of-life vehicles the strategy states that it will also look to continue efforts to “to address the impact of the use fishing gear and nets, in line with wider EU requirements” and “prioritise policy development on clothing and household textiles, mattresses and furniture” including considering alignment with the EU’s legislation on eco-design, Persistent Organic Pollutant (POP) and Emissions Trading Scheme expansion to incineration.

The development of a monitoring and indicator framework for Scotland’s progress towards a circular economy is stated to assist with the development of its national targets. It is also reminiscent of EU developments as regards its recent update to its own ‘Circular Economy Monitoring Framework’²⁰⁶ in 2023.

After Brexit but before the recent Circular Economy (Scotland) Act and Circular Economy Strategy, Scotland passed several key laws. Scotland banned single-use vapes from 1 June 2025 under **The Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024**²⁰⁷ and single-use plastics under **The Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021** which was developed to mirror restrictions introduced by the EU²⁰⁸ 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. Scotland has aligned with England, Northern Ireland and Wales regarding the introduction of a Deposit Return Scheme for plastic and metal drinks containers, set to come into operation in October 2027²⁰⁹ (though Wales’s DRS will also include glass). The Scottish Government introduced an **Extended Producer Responsibility scheme for packaging and packaging waste** in 2025.²¹⁰

Other notable post-Brexit waste and/or circular economy related legislation in Scotland include the following:

- ∞ As in England, legislation related to digital waste tracking was introduced in 2026 and is

set to apply fully from 01 January 2027.²¹¹

- ∞ **The Environmental Authorisations (Scotland) Amendment Regulations 2025** are significant in that they amend earlier 2018 regulations linked to Scotland's regulation of industrial emissions, and emissions to waste and water.
- ∞ **The Waste (Materials Facilities) (Scotland) Regulations 2024** amend permitting requirements for certain types of waste management installations.²¹²

Wales

In 2021, Wales published its ambitious circular economy strategy, 'Beyond Recycling',²¹³ which sets waste and circular economy targets. Its recycling rates are the highest in the UK²¹⁴ and rank second globally, behind only Austria.²¹⁵

Legislation tackling food and textile waste in Wales includes **The Waste Separation Requirements (Wales) Regulations 2023**,²¹⁶ 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 2050.²¹⁷ However, these targets are not legally binding. Weekly separate collections of food waste in Wales have been in operation for many years unlike elsewhere in the UK. As with Scotland, Wales's strategy states that it wishes to "*look at the potential to apply EPR to additional products which are difficult to recycle such as tyres, textiles and bulky wastes (for example furniture, mattresses and carpets) and products used in construction.*"²¹⁸ Up to now, no such scheme(s) have materialised.

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 Products) (Wales) Act 2023**.²¹⁹ Phase 1 of the ban included single-use plastic plates, cutlery, drinks stirrers, food containers, balloon sticks, cotton bud sticks and straws. The previous Welsh administration (2021-2026) had planned to further extend the ban to cover plastic carrier bags, polystyrene lids, and oxo-degradable plastics but this plan was abandoned in early 2026 citing the need to gain agreement with the UK Government under the auspices of the UK Internal Market Act) as the reason for not proceeding.²²⁰

Wales will not be joining the Deposit Return Scheme established by Northern Ireland, Scotland and the UK Government for England, preferring to launch its own version which will include glass drinks containers though there is a four-year transition period for these.²²¹ It is expected that the systems across the UK to be largely compatible.²²²

As with other nations of the UK, Wales has banned single-use vapes from 1 June 2025 under **The Environmental Protection (Single-use Vapes) (Wales) Regulations 2024**.²²³ The Welsh Government has coordinated its efforts alongside the UK nations in introducing an **EPR scheme for packaging and packaging waste** in 2025.²²⁴ As in England and Scotland, legislation related to **digital waste tracking** was introduced in 2026 and is set to apply fully from 01 January 2027.²²⁵

Northern Ireland

In Northern Ireland, a consultation on a draft circular economy strategy was conducted in early 2023 by the Department for the Economy.²²⁶ The strategy remains a draft however, partially as a result of the Northern Ireland Executive not being in operation for extended periods of time since Brexit so as to approve the strategy. The Northern Ireland Executive's Programme for Government,²²⁷ published in February 2025, contains a new commitment to publishing this strategy within the government's current term.

To complement the Department for the Economy's circular economy strategy, the Department for Agriculture, Environment and Rural Affairs (DAERA) developed another strategy in early 2026, titled 'Rethinking Our Resources: Northern Ireland Resources and Waste Management Strategy',²²⁸ focusing on several aspects of the circular economy. A public consultation on this ran until May 2026. Results of this consultation and the agreed strategy are not yet complete.

Both strategies set out ambitious policies for a circular economy in Northern Ireland. These relate to household, commercial and non-household waste, the construction sector, hazardous and agricultural waste, and litter and fly tipping. Many of the targets set within the DAERA strategy for example relate to wider EU level targets²²⁹ as much of the legislative context on circular economy relates to commitments made under the Northern Ireland Protocol/Windsor Framework. As part of that agreement, Northern Ireland is expected to apply EU laws that are listed in Annex 2 of the Northern Ireland Protocol/Windsor Framework. These include for example laws related to shipments of waste, packaging and packaging waste, single-use plastics, ecodesign and energy labelling.

Several aspects of circular economy policy in Northern Ireland fall under Annex 2 of the Northern Ireland Protocol²³⁰ meaning that Northern Ireland are obligated to implement and stay aligned with EU law. 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 2025.²³¹ Additionally, the EU's 2023 **Batteries Regulation** falls under the Protocol and thus is applicable to Northern Ireland,²³² which is in the process of gradually implementing it over the next ten years.²³³

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 a ban on single use vapes from 1 June 2025, an **Extended Producer Responsibility scheme for packaging**, the introduction of a Deposit Return Scheme (planned to enter into force in October 2027), and Northern Ireland involvement in the wider UK Critical Mineral Strategy.

In relation to eco-design in Northern Ireland, the **Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025** were adopted giving effect to the EU's ESPR in Northern Ireland. As such Northern Ireland manufacturers need to apply any new ecodesign requirements to energy and non-energy-related products that fall under the scope of the regulation.

Divergence summary

There has been significant divergence in policy and legislation in the Waste and Circular Economy theme following Brexit. The UK, in broad terms, has been passively diverging from 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 in this policy area – delays to the publication of the Circular Economy Growth Plan are indicative. In Northern Ireland the lack of an Executive has hampered sign off of circular economy plans while in Scotland several new laws in the circular economy area including a major primary act of the Holyrood parliament have yet to ‘bite’ after being enacted in 2024. Wales continues to impress with successful implementation of its circular economy and waste strategy.

In some areas, the UK and EU have remained broadly aligned:

- 1 in reducing the impact of single-use plastics,*
- 2 in managing the export of shipments of waste to OECD/non-OECD countries, and*
- 3 in reducing unnecessary packaging and packaging waste, including for deposit return schemes for metal and plastic drinks containers.*

These have often entailed slight time variations though between when one jurisdiction introduced a law (usually the EU), and the other ‘caught up’ (usually the UK).

Legislative divergence has opened up however on a number of fronts though with the EU legislating and the UK quietly falling behind:

- 1 in efforts to avoid and mitigate accidental pollution from plastic pellets,*
- 2 to ban the supply and sale of oxo-degradable plastics,²³⁴*
- 3 to prevent the destruction of unsold consumer products and,*
- 4 to ‘make the polluter pay’ by requiring companies placing textile products on the market pay for the cost of their end of life processing by introducing an extended producer responsibility under the revised waste framework directive,*
- 5 particularly significant are new ecodesign-related rules and the introduction of digital product passports, but also*
- 6 rules on product repair,*
- 7 product liability,*
- 8 green claims,*
- 9 EU legislation to mandate improvements in the efficiency, recyclability and resource content of batteries, and*
- 10 to secure sufficient quantities of critical raw materials for the technologies of the future.*

There is no EU wide ban on single use vapes (though some individual member states have introduced bans) unlike in the UK. This is an example of the UK being ‘ahead of’ the EU in terms of setting out a more progressive policy agenda.

Recent developments

- ∞ Implementation of several EU legislative measures passed in recent years are now well underway. Key among these is the roll out of digital product passports as well as rules around the destruction of unsold consumer products, particularly textiles and footwear. New 'ecodesign' rules for a wide range of industry sectors including the introduction of digital product passports will have a significant impact on exporters from the UK to the EU as businesses will have to comply with new rules in order to continue exporting.
- ∞ A regulation to preventing plastic pellet losses to reduce microplastic pollution is a major new piece of legislative divergence between the UK and EU.
- ∞ Around the UK, new circular economy strategies are in vogue and are at different stages of development. In England, the circular economy growth plan has reportedly been finished but is awaiting publication. In Scotland, a circular economy strategy published in March 2026 has set out a long-term plan for Scotland and in Northern Ireland a draft Resources and Waste Management Strategy has been published by DAERA to complement an earlier Northern Irish circular economy strategy – neither are yet fully approved and signed off by the Executive at Stormont. In Wales, implementation of an earlier 2021 circular economy strategy is producing impressive results, particularly on recycling rates.



EU

The EU's broad, long-term goal of reaching net zero by 2050 remains the same as the UK's, however, its interim headline target of reducing emissions by at least 55% by 2030, compared to 1990 levels is less ambitious than the UK's target of 68% by the same date. The European Commission has announced that the 2030 climate and energy plans²³⁵ indicate that collectively the EU is very close to achieving the 55% reduction in greenhouse gas emissions despite doubts being expressed by onlookers.²³⁶ In March 2026, the EU amended the **European Climate Law**, setting a 90% reduction target on 1990 levels by 2040.²³⁷ The amendment also allows for flexibility mechanisms, including permitting up to 5% of reductions to come from high-quality international carbon credits. While some have contested²³⁸ that this marks a significant shift in the EU's climate strategy, the EU has stated that it remains committed to reducing net emissions post-2030.

The EU has successfully managed to pass key legislation since the UK's departure, mainly through the 'fit for 55' package aimed at meeting the 2030 interim target.²³⁹ Regarding energy, the revised October 2023 EU **Renewable Energy Directive**²⁴⁰ aims for renewables to account for 42.5% of the EU's energy consumption by 2030 – up from the previous target of 32%, and with an ambition to reach 45%. It targets sectors such as transport, buildings and industry where the uptake of renewables has been slower than in areas such as energy. The EU has also revised its **Energy Efficiency Directive**,²⁴¹ 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.²⁴² Other changes include measures to reduce energy consumption in the public sector and requiring Member States to prioritise vulnerable households.²⁴³ The UK on the other hand has

stated an ambition to reduce energy demand by a more ambitious 15% by 2030, although unlike the EU it has not stipulated this in legislation.²⁴⁴

Further divergence comes from the April 2024 revision of the **Energy Performance of Buildings Directive**,²⁴⁵ 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.²⁴⁶ The EU is reportedly considering revising its energy policy to support struggling businesses.²⁴⁷ A 2021 proposed revision of the **Energy Taxation Directive**,²⁴⁸ would see fuels being taxed based on their environmental performance and energy content instead of volume. However, attempts to reach agreement have stalled over concerns about competitiveness and energy costs and issues surrounding taxation.²⁴⁹

The EU's revised 2024 **Methane Regulation**²⁵⁰ 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 introduced a **Carbon Removals and Carbon Farming Certification Framework**,²⁵¹ with implementing rules adopted²⁵² in November 2025. It establishes a voluntary EU-wide certification system for permanent carbon removals, carbon farming and carbon storage in products. By introducing common quality criteria and verification requirements, the framework aims to support investment in carbon removals while improving transparency and credibility across the sector.

The EU amended its regulation on **CO₂ Emissions for new Cars and Vans**²⁵³ in April 2023, 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. The European Commission has also proposed relaxing this requirement to a 90% tailpipe emissions reduction, with remaining emissions compensated through specified measures, which would allow some hybrid and internal-combustion-engine vehicles to continue to be sold beyond 2035.²⁵⁴

The EU's Clean Industrial Deal (CID),²⁵⁵ a broad, non-legally binding action programme, launched by the Commission in 2025 builds on the European Green Deal and aims to support the decarbonisation of energy-intensive industries while strengthening Europe's clean technology manufacturing base and reducing dependence on external supply chains. The CID aims to mobilise over €100 billion to support EU-made clean manufacturing and launched a dedicated call under Horizon Europe worth €450 million to stimulate research and innovation in these areas.²⁵⁶

In March 2026 the EU proposed the **Industrial Accelerator Act**²⁵⁷ which aims to increase demand for low-carbon, *European-made* technologies and products. While the proposed Act

includes green public procurement measures aimed at increasing demand for low-carbon industrial products, it has been criticised²⁵⁸ for lacking ambition, clear definitions and binding decarbonisation timelines. Notwithstanding this, the Act would have implications for manufacturing, trade and investment through new measures such as ‘Made in EU’ and low-carbon requirements. For instance, 25% of Aluminium used as part of public contracts would have to qualify as both low-carbon, and worryingly for UK trade exports, be of EU origin. The UK is seeking to be included within, or protected from exclusion by, the EU’s Made in Europe framework.²⁵⁹ The UK Government is particularly concerned by the potential impact on the automotive sector.²⁶⁰

Finally, and perhaps of most significance, the EU has expanded the scope of the **Emissions Trading System**²⁶¹ (ETS) to the maritime sector covering emissions from large ships entering EU ports regardless of where they come from or whose flag they fly. As of January 2026, the ETS also incorporates methane and nitrous oxide emissions. 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. In addition, the European Commission is currently considering²⁶² the possibility of extending the ETS to waste incineration plants, smaller combustion installations below current thresholds and flights to and from destinations outside of the EU/EEA. Furthermore, the EU has extended the scope of the ETS. **ETS 2**²⁶³ will cover additional sectors including fuel combustion in buildings and road transport and, following a delay, will operate from 2028. Revenue from ETS 2 will be directed towards a new **Social Climate Fund**,²⁶⁴ designed to assist emissions reductions and energy efficiency improvements.

To mitigate against the risk of ‘carbon leakage’, the EU established a **Carbon Border Adjustment Mechanism** (CBAM),²⁶⁵ in force since the 1st of January 2026. This aims to capture 50% of emissions covered by the ETS and applies to several carbon intensive industries. At present, these developments represent a significant divergence from the UK ETS, which does not cover these new sectors or have a fund designed to transfer ETS revenue, although it has introduced its own CBAM scheme. However, as explained below, the ‘UK-EU Reset’ talks beginning in May 2025 indicated a desire towards linking their respective ETS and CBAM schemes.

Despite the EU’s notable progress in strengthening its suite of climate related laws, its Omnibus I package, in force since October 2025 relaxes parts of the bloc’s sustainability framework. In particular, it amends the CBAM by enabling further exemptions and reduced reporting requirements for many smaller importers, and by scaling back Corporate Sustainability Reporting Directive obligations meaning far fewer companies must disclose emissions data. It also weakens the Corporate Sustainability Due Diligence Directive by narrowing supply-chain checks and softening requirements for corporate climate transition plans aligned with Paris Agreement goals.

UK

Despite the UK having a more ambitious target of reducing emissions the CCC have reported that there has been insufficient progress to achieve this target.²⁶⁶ Despite this the CCC have acknowledged that the UK had met all of its carbon budgets to date, and in its report to Parliament in June 2026, highlighted that the UK was on track to meet emissions reductions set out in the fourth carbon budget (2023-2027). 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. Indeed, the CCC recently suggested that there is now a significant gap between the emission reductions set out in the UK Government's Carbon Budget and Growth Delivery Plan (CBGDB), published in October 2025, and the UK's NDC.²⁶⁷

Nevertheless, the UK has submitted its Nationally Determined Contribution on time, with an ambitious new target to reduce emissions to 81% below 1990 levels by 2035, ahead of the EU whose NDC as of November 2025 equates to a 72.5% reduction.²⁶⁸ It is 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. The CBGDB reaffirms the commitment to emissions reduction and net zero, although perhaps justified through economic security, industrial competitiveness and energy resilience rather than solely environmental objectives.²⁶⁹

In 2024, the incoming Labour government announced new policies to support the transition to net zero, by passing the **Great British Energy Act** in May 2025,²⁷⁰ which aims to create a publicly owned company to assist and support investment in clean energy, and developing the Clean Power 2030 Action Plan²⁷¹ which commits the UK to delivering clean power by 2030. While the target under this Plan for clean sources to produce at least 95% of Great Britain's electricity generation by 2030 is arguably more ambitious than the EU's target under the Renewable Energy Directive, its definition of 'clean power' includes nuclear energy and low carbon technologies such as gas with carbon capture and storage as well as renewables.

Though details remain limited, the Energy Independence Bill proposed in the 2026 King's Speech²⁷² would aim to strengthen energy security by expanding domestic low-carbon generation and reforming electricity markets. However, it is unclear if the Bill will be as comprehensive as the EU's Clean Industrial Deal or Clean Energy Package, particularly given the limited detail on its integration with other instruments such as the UK ETS and wider industrial policy tools.

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 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 possible additional regulation.²⁷³ The Government subsequently published

a UK Methane Action Plan in October 2025,²⁷⁴ setting out existing and planned measures across agriculture, waste and fuel supply. However, the Plan does not establish a specific economy-wide methane reduction target, instead relying largely on existing sectoral policies and the UK's wider carbon budgets.

The UK Government has confirmed the ban on the sale of new petrol and diesel cars in 2030. Changes to the **Zero Emission Vehicle Mandate** have also been made. 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. The Government announced a review consultation²⁷⁵ on the matter in August 2026.

There has been legislative and policy alignment since Brexit between the EU and UK's respective ETS systems and CBAM policy.²⁷⁶ A **UK CBAM** is planned for 2027 and as part of the new EU-UK Strategic Partnership, the UK and EU have agreed to work towards linking the UK ETS and the **EU ETS**. Although the UK recently increased its Auction Reserve Cap, ETS prices continue to trade at substantially lower rates than in the EU. In 2025, the average UK ETS auction price was around USD 20 per tonne of CO₂e lower than the equivalent EU ETS price.²⁷⁷

There remain some important differences to ETS policy. While the UK has recently confirmed the phased inclusion of the domestic maritime sector into the UK ETS from July 2026,²⁷⁸ it is yet to include international maritime voyages which remain at proposal stage, subject to consultation with the EU. The UK has incorporated non-pipeline transport methods for captured carbon transferred to geological storage into its ETS but it has not yet formally made this change, unlike the EU.²⁷⁹ The UK has not introduced an equivalent to the EU's ETS 2 covering buildings and road transport. Both the EU and UK have broadly adopted the same approach to aviation, including the gradual winding down of free allocation of allowances, inclusion of flights within the European Economic Area, and continued exclusion of most non-EEA international flights.

Table 2 CBAM Factsheet²⁸⁰

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

Furthermore, earlier uncertainty over whether the EU or UK CBAM would apply in Northern Ireland has become clearer. The UK Government has confirmed that the UK CBAM will apply across the whole of the UK, including Northern Ireland, from January 2027.²⁸¹ The EU CBAM Regulation has not been added to the Windsor Framework and therefore does not currently impose obligations on Northern Irish importers, including for goods entering from Great Britain.²⁸² Northern Ireland nevertheless remains subject to the EU ETS in respect of electricity generation through the Single Electricity Market.

Scotland

Scotland had previously set ambitious annual and interim emissions reduction targets, including a target to reduce greenhouse gas emissions by 75% from the 1990 baseline by 2030 under the **Climate Change (Scotland) Act 2009**.²⁸³ However, the ability to reach these targets has been increasingly called into question,²⁸⁴ with annual climate targets missed in 9 of 13 years. In 2024, the Scottish Parliament passed the **Climate Change (Emissions Reduction Targets) (Scotland) Act**²⁸⁵ to remove erstwhile annual targets as well as the 2030 and 2040 interim targets and instead adopt a five-year system of carbon budgeting in line with other UK nations. Scotland's five-yearly carbon budgets were published in June 2025.²⁸⁶ The budgets introduce statutory limits on emissions from 2026 to 2045 with the 2026 to 2030 period requiring emissions to be 57% lower than in 1990 thus being slightly more ambitious than the EU, though less so than the UK.

Scotland established its first Just Transition Commission in 2019²⁸⁷ with the European Commission launching its own mechanism a short while afterwards in January 2020.²⁸⁸ Scotland's Climate Change Plan: 2026–2040²⁸⁹ outlines the benefits of reducing emissions and stresses the costs of inaction and is the first Scottish CCP to be underpinned by statutory just transition principles.

Wales

Wales has been setting its own 5-yearly carbon budgets since the 2016 Environment (Wales) Act, though 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**.²⁹⁰ **The Climate Change (Carbon Budget) (Wales) Regulations 2025**²⁹¹ establish Wales's legally binding fourth carbon budget for the period 2031–2035, requiring an average 73% reduction in greenhouse gas emissions compared with 1990 levels as part of the wider pathway towards net zero by 2050. **The Carbon Accounting (Wales) (Amendment) Regulations 2025**²⁹² update the technical framework for measuring and reporting emissions, ensuring that Wales's carbon accounting rules remain aligned with current international standards and best practice in emissions tracking.

In addition, in December 2025, Wales passed the **Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025**²⁹³ which restrict the use of external carbon credits in meeting the 2026–2030 targets, reinforcing a focus on achieving emissions reductions through

domestic action rather than reliance on offsets. This recent development perhaps means Wales is further ahead than the UK as a whole, which although generally steering away from using carbon credits, is yet to have any specific legislation preventing their inclusion in carbon accounting. Wales's approach is broadly consistent with the EU's emphasis on achieving emissions reductions through domestic action and limiting reliance on external carbon credits. However, the EU's amended Climate Law²⁹⁴ allows a limited contribution from high-quality international credits towards its 2040 climate target, meaning that Welsh policy could be considered to go further than the EU's approach in this respect.

In December 2025, the Welsh Government published its Just Transition Framework²⁹⁵ to ensure the transition to net zero by 2050 is fair and beneficial for all. Rather than focusing on specific climate policies, it studies the 'how' and mandates that all levels of government, businesses, and community groups consider social equity, long-term well-being, and fair work opportunities when enacting climate actions.

Northern Ireland

Northern Ireland's 2022 **Climate Change Act**²⁹⁶ 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 five-year carbon budgets, 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 established in April 2026.²⁹⁷

Divergence summary

While 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 left the EU, the bloc has introduced new climate legislation, such as the Social Climate Fund, and strengthened existing laws the UK helped shape, including the Energy Efficiency and Renewable Energy Directives. Changes to climate related policy represent one of the most significant areas of divergence between the EU and UK post Brexit, despite sharing the goal of reaching net zero by 2050 though most of the changes also represent a 'divergence by default', whereby the EU has legislated and the UK has chosen not to replicate or keep pace with the bloc.

The EU has legislated to tackle methane emissions, a particularly potent greenhouse gas, and developed further its emissions trading scheme by widening its scope while introducing a Carbon Border as well. The UK on the other hand, despite currently consulting on the pathway to zero-emission driving, including the treatment of hybrid vehicles, has re-established its 2030 target date for phasing out new cars powered solely by petrol or diesel.²⁹⁸

The EU's Clean Industrial Deal and proposed Industrial Accelerator Act reflect a growing effort to integrate climate and industrial policy to accelerate industrial decarbonisation, support low-carbon manufacturing and strengthen clean technology supply chains. The UK's Modern Industrial Strategy and Clean Energy Industries Sector Plan similarly seeks to integrate climate and industrial policy, accelerating industrial decarbonisation and support low-carbon manufacturing.

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. 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 (CCC) 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.

Recent developments

- ∞ EU climate ambition has progressed, with the enactment of the amended European Climate Law introducing an interim 90% emissions reduction target for 2040, alongside continued expansion of the EU ETS and full implementation of CBAM in 2026.
- ∞ EU climate and industrial policy are becoming increasingly integrated through the Clean Industrial Deal and proposed Industrial Accelerator Act, linking decarbonisation with industrial competitiveness, clean technology and supply-chain resilience.
- ∞ Competitiveness concerns are also moderating some EU climate-related regulation, with the Omnibus I reforms relaxing aspects of sustainability reporting and corporate due diligence requirements.
- ∞ UK climate policy under the Labour government places greater emphasis on energy security, growth and industrial strategy, while maintaining emissions-reduction commitments. Considerable divergence from the EU remains around ETS expansion, ETS 2 and climate-related social redistribution, although recent UK-EU 'Reset' discussions points towards greater cooperation through proposed ETS and CBAM linkage.
- ∞ Within the UK, Scotland has moved to five-year carbon budgets, similar to the approach of the UK as a whole, while Wales has tightened rules on the use of carbon credits, going further than the UK in general. Meanwhile, Northern Ireland, in line with Wales and Scotland, has established a statutory Just Transition Commission, creating divergence from England in this area.



EU

Arguably the most consequential cross-cutting law related to the environment that is currently being discussed in EU circles right now is the **Industrial Accelerator Act**.²⁹⁹ Formally proposed in March 2026 – though not yet adopted – it is a key plank of a wider strategic shift promulgated by the European Commission and its president, Ursula von der Leyen. In an effort to secure for the EU greater ‘industrial competitiveness’ the proposed new law focuses on:

- ∞ Looking at ways to speed up permitting for industrial projects.
- ∞ Creating ‘lead markets’ where public money is involved. This means requiring industrial projects for example to source a certain percentage of their inputted materials or widgets from within the EU. A ‘Made in Europe’ requirement here has been the source of significant controversy and concern both inside and outside of the EU.
- ∞ Conditioning for high value investments in strategic sectors, meaning that companies investing in say, batteries, electric vehicles, photovoltaics or critical raw materials should commit to certain activities that support European value chains.

The context of why this is taking place is important too. Urged on and inspired by the Draghi report^{300,301} and the Letta report,³⁰² the EU’s leadership has become preoccupied with arresting the decline of manufacturing in Europe³⁰³ and looking to imbue the continent with greater resilience. Yet the EU’s leadership is also concerned and driven by: changed/changing political dynamics in EU Member States themselves, particularly the rise of far-right parties who claim to offer an easy way out; an at times unfriendly and openly EU-sceptic administration in the White House railing against key regulatory measures;³⁰⁴ an energy crisis manifesting most acutely in high electricity costs partly as a result of the slowdown of imports of Russian energy following

the invasion of Ukraine; and more recently, and short-term impacts from conflict in the middle east, particularly on prices for key commodities like fertilisers, helium and jet fuel. These have all given the sense that the EU should be looking to protect itself much more robustly in an increasingly unstable world.

This has impacts and implications for the UK. Most immediately, the Industrial Accelerator Act, and particularly provisions that fall under proposed 'Made in Europe' rules potentially threaten some UK manufacturing industries, most notably the car sector.³⁰⁵

A directive on **Corporate Sustainability Reporting** was adopted in 2022 replacing an earlier 2014 directive that the UK had implemented while it was a member of the EU. This requires large companies and listed companies to publish regular reports on the social and environmental risks they face. Companies in scope were due to first publish in 2025. A directive on **Corporate Sustainability Due Diligence** was adopted in 2024 to encourage companies to embed sustainable practices throughout their (global) supply chains. Both directives have been subject to efforts to 'simplify' EU rules.³⁰⁶ In particular, the start date for implementation of the directives was postponed and the number of companies that were due to be in scope has been severely reduced. The effect of this is that small and medium sized enterprises (SMEs) are left out of scope for reporting and essentially reverting back to a situation that existed after the passing of the 2014 Directive, while still encouraging voluntary reporting. An EU 'green' **Taxonomy Regulation** was adopted in 2020 to direct financial investments towards sustainable economic activities.³⁰⁷ This has also undergone severe criticism and also pushback from various stakeholders.

The EU has revised its **Environmental Crime Directive**, the foundation of which was a 2008 directive that the UK had implemented as a member of the EU. There are several elements within the new directive that add up to significant divergence with the UK's approach to tackling the most serious and damaging types of environmental crime,³⁰⁸ in particular: a new 'Qualified Offences' article; the requirement for member states to provide authorities that 'detect, investigate, prosecute or adjudicate environmental criminal offences' with 'sufficient resources'; an increase in the mandated criminal sanctions for wildlife related crimes (which are now stricter in the EU versus the UK); and requirements for member states to put in place a national environmental crime strategy and report on their efforts.

UK

After Brexit, several key 'framework-defining' environmental laws were passed. Each have led to divergence to varying degrees with EU environmental law:

- ∞ **UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.**
- ∞ **Environment Act 2021.**
- ∞ **Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026.**

The most prominent aspects of divergence contained within these legislative developments have been the establishment of new oversight bodies,³⁰⁹ the Office for Environmental Protection for

England and Northern Ireland, Environmental Standards Scotland and the Office for Environmental Governance Wales. Though such oversight bodies could have been established before Brexit, in practice, it was Brexit itself that gave the political impetus for such bodies to come into being.

In Wales, the **Environment (Air Quality and Soundscapes) (Wales) Act 2024** is significant in the UK as it has put managing soundscapes on a primary legislative footing unlike elsewhere in the UK. The EU's environmental noise directive has not been updated since 2002³¹⁰ and existing Welsh regulation³¹¹ including this new primary Act is based on that 2002 directive however the new Act goes further by taking a more strategic and wholesale approach to noise mitigation, management and assessment.

The UK's **Genetic Technology (Precision Breeding) Act 2023** is a key post-Brexit divergence with EU law. It applies mainly to England. The Act defines precision breeding as *"a range of breeding technologies, such as gene editing, that enable DNA to be edited much more efficiently and precisely than current breeding techniques."*³¹² Some have described the Act as necessary, as *"outside the EU, the UK is no longer bound by an approach to regulation that is based on the scientifically unjustified idea that there are intrinsic risks in using the GM method."*³¹³ While others have been less than convinced by the merits of such legislation.³¹⁴

The UK and its devolved nations have not adopted approaches taken under the EU's revised environmental crime directive however there have been some changes in tackling environmental crime more broadly. The **Environmental Offences England & The Environmental Civil Sanctions (England) (Amendment) Order 2023** lifts the previous monetary cap of £250,000 that regulators can issue in fines for environmental breaches of the law. The **Water (Special Measures) Act 2025**, among other measures, is designed to lower the burden of proof for tackling offences against the water environment from 'beyond reasonable doubt' to 'on the balance of probabilities'.

In December 2025, the **Planning and Infrastructure Act** was passed. Applying mainly to England, the Act aims to speed up development of large-scale building and infrastructure development (e.g. electricity and transport infrastructure and 'nationally significant infrastructure projects') by removing what is claimed to be blockages and impediments to the planning process. A deeply divisive law, the Act generated significant opposition not least due to unhelpful rhetoric promulgated by the government at the time of the Bill's passing through Parliament inferring that nature protection laws were the primary cause of delays to infrastructure development and thus national economic growth. IEEP UK published a paper outlining key elements of divergence between existing EU based law with developments under the then Bill.³¹⁵

Similarly, the **Levelling-up and Regeneration Act 2023** was also passed *"to speed up the planning system, hold developers to account, cut bureaucracy, and encourage more councils to put in place plans to enable the building of new homes"*.³¹⁶ Like the Planning and Infrastructure Act, it too was controversial as it was seen as an attempt to weaken EU-era 'nutrient neutrality rules' in England.³¹⁷

The **Product Regulation and Metrology Act 2025** was designed with the alignment of UK-EU rules on product safety and the marketing or use of products in mind. The Act also contains a clause

specifically referencing a provision that enables alignment of law relating to the environmental impact of products. However, the passing of the Act has not been used extensively for this latter purpose so far. Indeed, it has been used only twice since its enactment.³¹⁸

Changes to **corporate sustainability reporting** have taken place in the UK as well as the EU. The UK's Financial Conduct Authority has stated its aim to align all company reporting obligations with International Sustainability Standards Board (ISSB) standards. In its response to a 2026 public consultation the UK government stated that it would take a 'comply or explain' approach to climate and non-climate related disclosures.³¹⁹ Arguably, this is less strict than the mandatory approach taken by the EU and thus opens up a divergence in approach between the UK and EU. Unlike in the EU, and after previously indicating its interest in establishing a **UK Green Taxonomy**, the government has opted not to proceed.

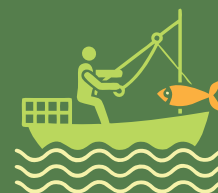
Divergence summary

Cross-cutting legislation has opened up UK-EU divergence across a range of different issues. In other thematic topics explored in this report, such as Circular Economy and Waste, Air, or Nature and Biodiversity, the EU has initiated most of the legislative divergence that has taken place since Brexit.

However, within the cross-cutting theme, this is different. The UK has been equally active in changing laws that affect the environment. For example, the passing of the Precision Breeding Act is a significant divergence from current EU law, as are the Planning and Infrastructure Act, the Levelling-up and Regeneration Act and 'framework defining' environmental laws such as the Environment Act, Continuity Act and Welsh Principles, Governance and Biodiversity Targets Act. But changes on the EU side – such as on tackling environmental crime and corporate sustainability reporting are significant too.

Recent developments

- ∞ The establishment of the Office for Environmental Governance Wales due to take place as a result of the passing of the Environment (Principles, Governance and Biodiversity Targets)(Wales) Act 2026 marks a significant divergence in post-Brexit UK-EU relations. Alongside the Office for Environment Protection for England and Northern Ireland and Environmental Standards Scotland, these are key pieces in the post-Brexit environmental governance landscape.
- ∞ Implementation of the controversial Planning and Infrastructure Act 2025 is now underway with the first Environmental Delivery Plan going through its consultation phase (at the time of writing).³²⁰
- ∞ Not yet formally adopted, the EU's Industrial Accelerator Act is likely to generate significant divergence with the UK.



EU

It is anticipated that by the end of 2026 adoption of a new European Ocean Act will take place, and that it is set to become a unifying framework for diverse EU maritime rules and targets, including those contained within the **Maritime Spatial Planning Directive** (MSPD) and the **Marine Strategy Framework Directive** (MSFD). The act builds on the priorities outlined in the 2025 European Ocean Pact and seek to improve coordination between different marine policies and protections which some believe are currently siloed.³²¹ It is also set to build upon the 2023 Marine Action Plan, which set commitments on phasing out bottom trawling in marine protected areas (MPAs).³²²

Case study 1 Bottom trawling in MPAs

The 2023 Marine Action 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,³²³ though some, such as Sweden,³²⁴ 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. Despite the social costs of bottom trawling in Europe being estimated at 90 times greater than fishing industry profits,³²⁵ this environmentally destructive practice 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 Germany's and 44% of Italy's sites.³²⁶

A 2026 study estimates that more than 25% of annual trawling in several Member States including France, Germany and Spain took place in MPAs between 2016-21.³²⁷ This comes despite the legal protections afforded to these Natura 2000 sites under the 1992 **Habitats Directive**, which have been poorly enforced.³²⁸ A lack of use of infringement procedures by the European Commission has led NGOs to take some Member States to court for these violations.³²⁹ Additionally, the General Court of the European Union ruled in 2025 that MPAs must be properly safeguarded from harmful fishing practices including bottom trawling.³³⁰

The Marine Action Plan also reaffirmed the EU's commitment to managing fish stocks at Maximum Sustainable Yield (MSY) levels,^{331,332} which it had previously committed to achieving by 2020 under the **Common Fisheries Policy** (CFP).³³³ This opens potential divergence with the UK given the latter's non-binding commitment to fishing at or below MSY levels in the **Fisheries Act 2020**,³³⁴ which has been criticised for opening the door to overfishing.³³⁵

The EU's 2008 **Regulation on illegal, unreported and unregulated (IUU) fishing**, which introduced various measures such as catch certificates, a carding system and national reporting requirements, has been developed and expanded since Brexit. The catch certificate system was updated through a revised 2023 **Control Regulation**, which included digitisation of documentation processing and expanding the traceability information required in seafood import documentation. These changes, which came into force in January 2026, are essential for delivering robust seafood import controls, providing catch traceability and ensuring that seafood has been caught in a legal manner.

Since 2010, the EU has also maintained a 'carding system' under the IUU Regulation to restrict imports of seafood from third countries that do not meet required standards for fisheries management. First, a formal warning (yellow card) is issued, and the EU engages in formal discussions with these countries on how to address identified shortcomings. If they fail to do so, they may be banned from exporting seafood to the EU market (red-carded), while if they meet the required improvements, they can be delisted (green-carded) and can again export to the EU. Since 2021, the EU has continued to add to its list of carded countries, giving red cards to Cameroon and Trinidad and Tobago, and yellow cards to Senegal and Ghana.³³⁶

The EU has also updated its offshore renewable energy targets since Brexit. It published an offshore renewable energy strategy in 2020,³³⁷ containing a target to increase capacity by 60 GW by 2030, a target which was then increased in 2023 to 111 GW by 2030,³³⁸ 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 Cooperation³³⁹ 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'.³⁴⁰ The EU ratified this treaty in May 2025,³⁴¹ and the UK ratified it through the **Biodiversity Beyond National Jurisdiction Act 2026**.³⁴² Additionally, both the EU³⁴³ and UK³⁴⁴ 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**³⁴⁵ to actively diverge from the EU in various areas of marine policy. A clear example of the use of these powers came in January 2024, the UK³⁴⁶ and Scottish³⁴⁷ 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.

Case study 2 The UK-EU sandeels dispute

The UK Government stated that the January 2024 closure was motivated by environmental factors, specifically declining sandeel populations and resulting reductions in the breeding success of various species of seabirds,³⁴⁸ and was a clear example of an ecosystem-based management measure³⁴⁹ to support the delivery of Good Environmental Status (GES).³⁵⁰ GES and its 15 associated indicators form part of the EU's 2008 Marine Strategy Framework Directive³⁵¹ and have been retained in the UK after Brexit through the UK Marine Strategy.³⁵² The UK has consistently failed to reach GES for marine birds,³⁵³ and has not yet implemented appropriate monitoring to measure the benefit of the sandeels closure for on the species that it sought to protect.³⁵⁴

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 evidence³⁵⁵ and was discriminatory both against the EU and more specifically the Danish fishing industry, which holds 96% of the EU's sandeel quota.³⁵⁶ 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 indicator³⁵⁷ – 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 2025.³⁵⁸ While both sides appeared to claim victory in the case,³⁵⁹ 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.³⁶⁰

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'.³⁶¹ The Office for Environmental Protection has flagged that the Government is 'largely off track' as regards meeting this target.³⁶²

Banning bottom trawling will be important in meeting this goal, and in this regard, there has

been some progress. In 2022, the UK Government prohibited bottom trawling in the entirety of four English MPAs, including Dogger Bank. An additional 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 consultation³⁶³ on a plan to bring further management measures into place in 42 offshore MPAs,³⁶⁴ which includes largely removing bottom trawling from 41 of these sites. As of 2026, the consultation responses are still being analysed, and the final management measures have not been confirmed.

Additionally, the UK government designated the first three highly protected marine areas (HMPAs) in England in 2023, which ban all 'extractive, destructive and depositional activities' such as commercial fishing, dredging and construction within these areas.³⁶⁵ However, the licensing 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, though many NGOs and marine scientists³⁶⁶ 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 30x30 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.³⁶⁷ 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,³⁶⁸ though notably missed its initial 2020 deadline. Fish stocks in the UK remain heavily overfished.³⁶⁹

The UK has retained the IUU legislation introduced when part of the EU, which requires virtually all wild-caught seafood consignments to be accompanied by a catch certificate validated by the flag state of the fishing vessel. This certificate contains data on the vessel itself, the species of fish and where it was caught. At the time of writing, the UK has not yet expanded its certificate requirements – as the EU recently has – to contain further information vital for traceability.³⁷⁰ However, ministers have confirmed the government's intention to do so, and it is expected legislation to make these changes will be in force by November 2026.

Since Brexit, the UK has not maintained an active 'carding' system to manage imports of seafood from third countries that are not sufficiently tackling IUU fishing – despite retaining the legal power to do so under its own IUU Regulation. Instead, it has maintained pre-Brexit 'red card' trade restrictions on three countries, choosing not to issue any new cards.³⁷¹ In this same period, the EU has issued two new yellow and two new red cards.

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.³⁷² 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.³⁷³ 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.³⁷⁴ In response to the findings of the consultation, it was announced in June 2023 that these proposals would not be carried forward,³⁷⁵ 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.³⁷⁶ The consultation summary was published in January 2025,³⁷⁷ before the **Offshore Fishing (Prohibition of Fishing Methods) (Scotland) Order 2025** entered into force in October 2025. This put into place gear-specific restrictions across 11 MPAs and nine Special Areas of Conservation (SACs). Five of these areas have full-site protection from bottom trawling, while the remaining 15 have only partial or zonal restrictions. This equates to 90% of Scottish offshore MPA seabed now protected from bottom trawling.³⁷⁸

As mentioned above, the Scottish Government moved to close its waters to sandeel fishing in 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 action³⁷⁹ and can now become a permanent closure.

Scotland has also introduced legislation implementing remote electronic monitoring (REM) measures for its scallop fishing fleet.³⁸⁰ This progress has not been mirrored by the other UK administrations. More widely, the RSPB has argued that rolling out REM onboard high bycatch risk vessels such as gillnets and longlines is a key way in which progress towards GES for birds can be appropriately monitored.³⁸¹

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,³⁸² though this has not yet taken place.

In 2025 the Welsh Government funded an Ocean Literacy Strategy, the first of its kind in Europe, which aims to raise *"awareness of the significance of our coasts and seas will encourage further action across policy areas"*.³⁸³

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.³⁸⁴ In 2026, DAERA also began consulting on bottom trawling restrictions on three offshore sites – two Marine Conservation Zones (MCZ) and one SAC.³⁸⁵ In February 2026, DAERA launched a new strategy for developing and managing its 48 inshore MPAs.³⁸⁶

Divergence summary

Within marine policy, the UK has in certain areas used its post-Brexit 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. Scotland and Northern Ireland have 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.

IUU fishing, however, is an example of an area where the UK has fallen behind the EU. Since Brexit, the EU has tightened up its IUU regulation, improving its catch certification system to take action on combatting illegal fishing. It has also continued to maintain a carding system to restrict imports of seafood linked to IUU practices. The UK, however, has made no such changes to IUU regulations and has not maintained an active carding system.

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. Wales has lagged behind England, Scotland and Northern Ireland in its progress on 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.

Recent developments

- ∞ The EU is set to introduce a new Ocean Act by the end of 2026. Building on the 2025 European Ocean pact, the Act is set to become a unifying framework for diverse EU maritime rules and targets, including those contained within the Maritime Spatial Planning Directive and the Marine Strategy Framework Directive.
- ∞ In January 2026, the EU's revised catch certificate system came into force. This expanded information and traceability requirements, opening up divergence with the UK's system, which has not been updated since Brexit.
- ∞ In October 2025, Scotland put into place gear-specific fishing restrictions across 11 MPAs and nine Special Areas of Conservation. Five of these areas have full-site protection from bottom trawling, while the remaining 15 have only partial or zonal restrictions. These changes mean that 90% of Scottish offshore MPA seabed is now protected from bottom trawling.
- ∞ The reshuffled Cabinet under the leadership of Andy Burnham included a new Minister covering both fisheries and ocean. This move should support the delivery of a more holistic ecosystem-based management of the marine environment.



NATURE & BIODIVERSITY



EU

The **Nature Restoration Law**,³⁸⁷ 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,³⁸⁸ with its adoption key for achieving the objectives outlined in the EU's Green Deal³⁸⁹ and Biodiversity Strategy for 2030,³⁹⁰ and the Kunming-Montreal Global Biodiversity Framework.³⁹¹ Despite being heavily amended during a contentious passage through the European Parliament, the final version – an EU regulation – outlines ambitious and binding biodiversity and nature recovery targets for Member States.³⁹² 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 2026,³⁹³ in line with the uniform format established in Commission Implementing Regulation 2025/912.³⁹⁴ In February 2026, however, the European Commission published the EU's seventh report on the implementation of the Kunming-Montreal Global Biodiversity Framework. It concluded that the EU was on track for only 16 of the 45 assessed targets, with only two achieved, and called for faster implementation.

Regulation relating to nature and biodiversity has also fallen under the scope of the EU's regulatory simplification agenda. One example of this is the EU's **Regulation on Deforestation-free products** (EUDR)³⁹⁵ which was adopted in June 2023 and aims to tackle commodity-driven deforestation. The EUDR is a landmark piece of legislation that applies to all businesses, regardless of their size, and prohibits selected traded products – cattle products, 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. As a result of pressure from stakeholders involved and concerns over IT systems' robustness, implementation of the Regulation has been subject to repeated delays. Originally scheduled to come into force at the end of 2024, implementation was pushed back twice in 2024 and 2025 but has now been set for 30 December 2026 for medium and large operators, and 30 June 2027 for micro and small businesses.

As part of wider work to 'simplify' EU laws and regulations, a review of the EUDR carried out by the European Commission in April 2026, stated that the products within scope would be amended; namely the removal of leather, samples and re-treaded tyres, and the addition of soluble coffee and some palm oil derivatives.³⁹⁶ The European Commission also introduced a simplified declaration for micro and small businesses to aid compliance with the new rules.³⁹⁷

In 2026, the Commission began a 'stress test' of the Birds and Habitats Directives³⁹⁸ as part of its wider simplification initiative. The stated aim is to achieve their stated objectives of protecting species, habitats and Natura 2000 sites in a more cost-effective manner, while maintaining their existing ambition and standards of nature protection. A public consultation was launched in May 2026 and ran until August. A final report on the test will be released by the end of 2026 and may lead to the reopening of the directive in order to meet simplification objectives.³⁹⁹

In June 2025, the Council changed the **status of the wolf under the Habitats Directive** from 'strictly protected' to 'protected', enabling Member States to take greater measures to manage their wolf populations⁴⁰⁰. The decision to reduce the level of protection stemmed from arguments that Europe's wolf population had doubled over the previous decade, leading to increasing costs to farmers through damage to livestock.⁴⁰¹ However, NGOs including BirdLife, WWF, ClientEarth and EEB were strongly against the decision, arguing that the downgrade was not supported by scientific evidence and that it sets a dangerous precedent for nature policy through its disregard of a science-based approach.⁴⁰²

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.⁴⁰³ 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.⁴⁰⁴

Other updates to EU nature and biodiversity policy since Brexit have included:

- ∞ The EU has continued to update its **Invasive Alien Species Regulation**⁴⁰⁵ since Brexit, most recently in 2025 when it added 26 species to its list of concern.⁴⁰⁶ These additions do not apply in Great Britain, which now has a domestic list, but do apply in Northern Ireland.
- ∞ The EU revised the EU Pollinators Initiative in 2023, which established a new commitment to reverse pollinator decline and improve monitoring.⁴⁰⁷ This led to the binding target for Member States to reverse the decline of pollinators by 2030 and obligation to monitor pollinator populations using a new Commission-developed methodology outlined in the 2024 **Nature Restoration Regulation**. In 2025, a Commission Delegated Regulation established this standardised monitoring system.⁴⁰⁸

England

In December 2022, the UK Government published nature recovery and biodiversity targets for England, as required by the **Environment Act 2021**.⁴⁰⁹ 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.⁴¹⁰ These targets have been criticised by NGOs (including IEEP UK)⁴¹¹ and legal experts⁴¹² 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 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.⁴¹³ 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.⁴¹⁴ 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 government consultation launched in May 2025⁴¹⁵ proposing a reduction in BNG requirements for small and medium-sized housebuilding has led to changes in BNG which have, according to some, weakened its effectiveness, including exceptions for developments on sites under 0.2 hectares. It has been argued that the introduction of this new exemption, alongside the existing de minimis loophole, could lead to “over 90% of eligible developments being exempt from BNG requirements”,⁴¹⁶ as well as disproportionately affecting nature-deprived communities across England.⁴¹⁷ Industry voices, however, have argued that the cost of delivering BNG is often ‘disproportionate and unviable’ on sites of this size.⁴¹⁸ Another targeted exemption for brownfield residential developments is currently under consultation.⁴¹⁹

The **Planning and Infrastructure Act** received Royal Assent in December 2025. The Act has provisions intended to accelerate housing and infrastructure development in England with accompanying mechanisms to alter nature protection. During its passage through parliament, it was widely criticised⁴²⁰ for its potential to weaken existing environmental protections within planning law in England and Wales through granting developers the ability to offset damage to protected sites and species through payments into a ‘Nature Restoration Fund’ which funds compensatory restoration projects elsewhere. More widely, this change represents a shift from site-by-site mitigation to pooled mitigation of issues defined by Natural England under regional Environmental Delivery Plans (EDP). In early May 2025, The Office for Environmental Protection (OEP) provided advice to the Government which described the provisions for environmental protection in the draft Bill as a ‘regression’ – particularly for habitats and species protected under the existing Habitats Regulations.⁴²¹

In response to this advice, the Government proposed a series of amendments to the Bill, including strengthening the overall improvement tests for EDP approval. The OEP welcomed these changes, declaring that they “go a long way towards addressing the issues [...] raised in our advice”, but still noted that the law would still “lower environmental protection”.⁴²² The OEP also noted that “intended positive outcome [of the Act] will stand or fall upon effective implementation and upon robust and transparent evaluation”⁴²³. Its implementation has already received criticism, with NGOs including the RSPB⁴²⁴ highlighting the lack of clarity and statutory guarantees within **The Environmental Delivery Plans (Appropriate Prioritisation) Regulations 2026**.⁴²⁵ The first Environmental Delivery Plan, covering Norfolk, was unveiled by the Government in September 2026,⁴²⁶ and has faced criticism for setting the levy payment too low to reflect the scale of the environmental damage caused.⁴²⁷

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.⁴²⁸ In June 2026, the UK Government announced the long-awaited approach to the implementation of this requirement through secondary legislation, which is expected to be delivered in 2027.⁴²⁹ The proposed FRC regulation is narrower in scope than the EUDR, as it is limited to illegal deforestation (as opposed to both *legal* and *illegal* deforestation).⁴³⁰ Additionally, it is only set to apply to large businesses with annual turnover above £1 million,⁴³¹ unlike the EUDR which applies to all businesses.

Table 3 Comparative scope of proposed UK FRC regulations and the EUDR

	UK FRC (subject to consultation)	EUDR
Commodities in scope	Soy, cocoa, palm oil, cattle, wood, coffee, rubber	Soy, cocoa, palm oil, cattle (leather excluded), wood, coffee, rubber
Deforestation covered	Illegal deforestation	Legal and illegal deforestation
Vegetation type	Forest only	Forest only
Businesses affected	Businesses with turnover >£1 million	All

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 2030.⁴³² A new peat map for England was published by the UK Government⁴³³ in 2025, and

the 2025 Environmental Improvement Plan also committed to legislation on this ban “*when parliamentary time allows*”.⁴³⁴ However, despite these actions and commitments, no legislation banning peat has been brought forward by the government. A Private Members’ Bill introduced in 2025 to try to speed up the introduction of this ban has made no progress.⁴³⁵ According to a communiqué summarising a meeting of the Inter-Ministerial Group for Environment, Food and Rural Affairs in February 2026, a joined-up, UK-wide approach to the peat ban is now being followed, seemingly to avoid potential difficulties in applying such a ban across the UK.⁴³⁶

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

The **Natural Environment Act** (NEA) became law in January 2026 and imposes 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. However, the Act does not itself introduce legally binding, time-bound biodiversity and nature recovery targets, but instead creates a statutory duty for their introduction, which is to be within 12 months of the entry of the Act into force. While the necessary ambition exists, Scotland is lagging behind the EU and England, which now both have restoration targets in place, as noted above.

The Scottish Government ran a public consultation on ending the sale of peat in Scotland in 2023.⁴³⁷ It provided an update in 2024, stating that it was in the process of reviewing the findings of this consultation.⁴³⁸ In 2026, it published its Climate Change Plan 2026-2040 in which it recommitted to working alongside the other UK nations to ban the sale of horticultural peat.⁴³⁹

Wales

The Welsh government carried out a ‘Biodiversity deep dive’ in 2022 in an effort to identify ways to meet its commitments under the Global Biodiversity Framework⁴⁴⁰ and published a white paper in 2024⁴⁴¹ which laid out a plan for a new bill introducing a new biodiversity target framework – the **Environment (Principles, Governance and Biodiversity Targets) (Wales) Act** which gained Royal Assent in April 2026.⁴⁴² Despite the introduction of the framework, the Act outlines that the first biodiversity targets will only be due three years after it is passed, in line with the Welsh government’s 2025 communication that such targets are unlikely to be in place before 2029.⁴⁴³ Again, while the ambition exists, Wales is lagging behind progress in England and the EU on setting biodiversity targets.

As with England, the Welsh Government announced in 2022 that retail sales of peat in horticulture were to be banned.⁴⁴⁴ However, no legislation has been introduced to implement this commitment. More recently, it has taken part in discussions on a UK-wide approach to the ban.⁴⁴⁵

Northern Ireland

A new programme for government for 2024-2027 was published by the Northern Ireland Executive in March 2025⁴⁴⁶ which includes commitments to publish a plan to ensure Northern Ireland is in line to achieve the Global Biodiversity Framework '30 x 30' targets. Accordingly, a draft Nature Recovery Strategy was published for consultation in January 2026.⁴⁴⁷ This consultation closed in April 2026, and the final strategy is currently expected to be published by May 2027.⁴⁴⁸

In Northern Ireland, previous proposals to ban sales of peat compost have been scrapped,⁴⁴⁹ but it has since taken part in UK-wide talks on a joined-up approach to a horticultural peat ban.⁴⁵⁰

The UK Government confirmed in 2026 that the EUDR, rather than the UK's own forest risk commodities legislation, will apply in Northern Ireland, as per the Northern Ireland Protocol/Windsor Framework.⁴⁵¹

Divergence summary

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, though both Scotland and Wales have, in 2026, introduced the necessary legislation to give Ministers the power to set such targets.

The EU **Deforestation-free products regulation** which was approved in 2023 will also create divergence with the UK once it is operational, even if the UK has now outlined the approach it will take in the equivalent UK Forest Risk Commodities (FRC) regulation, for which the framework was established in Section 17 of the Environment Act 2021. Additionally, the proposed scope of the UK regulation suggests active divergence from the equivalent EU regulation. While this divergence gap may be closed over time as the UK Government has committed to including legal deforestation within the Regulations "*in due course*",⁴⁵² in the short term it appears that opportunities for mutual recognition between the two standards will be limited.⁴⁵³

The **Planning and Infrastructure Act** became law in December 2025. While the OEP stopped short of calling the final form of the Act a regression, it did note that the "*intended positive outcome [of the Act] will stand or fall upon effective implementation and upon robust and transparent evaluation*".⁴⁵⁴

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. Despite it being recently weakened, England's **Biodiversity Net Gain** scheme, which since February 2024 has mandated a minimum 10% biodiversity gain in new developments, is another example of such an area. No equivalent scheme yet exists in the EU.

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 General Election in mid-2024. It appears now that a UK-wide, joined-up approach is favoured by the current Labour Government, though there is still no regulatory timeline in place. If a ban comes into force, the UK would demonstrably be ahead of the EU despite some level of action at an individual Member State level, such as in Germany.⁴⁵⁵

Recent developments

- ∞ The passing of the Planning and Infrastructure Act in December 2025 diverges from EU based environmental law. The OEP no longer considers the final Act “*regressive*”; it believes that any benefits for nature will rely on “*effective implementation and upon robust and transparent evaluation*”.⁴⁵⁶
- ∞ There has been a general move towards the setting of biodiversity and nature recovery targets in the UK. Scotland and Wales both passed new laws in 2026 which give Ministers powers to set targets in these areas, in line with ‘30 x 30’ commitments under the Kunming-Montreal Global Biodiversity Framework. While anticipated secondary legislation will set these out in due course, for the moment the two administrations are lagging behind the EU and England.
- ∞ The EU’s Deforestation-free Products Regulation, which became law in 2023, will be implemented from December 2026. The UK has outlined its approach for its equivalent legislation – UK Forest Risk Commodities Regulations – which are set to be introduced in 2027. While intending to align more closely with the EUDR in the long term, in the short term its focus on only *legal* deforestation means that opportunities for mutual recognition between the two standards are set to be limited and that divergences exist in and among the detail of the two approaches.

PESTICIDES



EU

Since Brexit, the EU has made progress in continuing to add substances that are known to be harmful to human and animal health to its list of banned pesticides; recent research has found that 14 pesticides – some of which are classified as highly hazardous – have been banned in the EU since 2021 but continue to be used in Great Britain. In 2026, this has included non-renewals of the active substances Methoxyfenozide, a persistent and toxic compound,⁴⁵⁷ and Buprofezin, which degrades into aniline, a carcinogenic substance.^{458,459}

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. However, in 2023 it banned glyphosate's use as a pre-harvest drying agent. In Great Britain, glyphosate is approved for use until December 2026, before which it will be subject to review,⁴⁶⁰ though there has been no restriction on its pre-harvest usage.

However, pesticides have not escaped the EU's current focus on regulatory simplification. The December 2025 'Omnibus X' proposal on food and feed, which is still under debate, ostensibly seeks to produce more targeted and efficient renewal procedures for pesticides and biocides. However, these changes may represent a weakening of the environmental risk assessment procedure,⁴⁶¹ which could amplify the human and environmental health risks from pesticides.⁴⁶²

The European Commission's proposal for a Sustainable Use of Pesticides Regulation contained a 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 Strategy⁴⁶³ and Biodiversity Strategy.⁴⁶⁴ However, after

sustained pressure from the farming lobby,⁴⁶⁵ the proposal suffered a series of blows to weaken it by Member States and Parliamentarians, and it was formally withdrawn in March 2024.⁴⁶⁶ It is not foreseen that a new proposal will be made in the short or medium term.

The new **Soil Monitoring Law**,⁴⁶⁷ approved in October 2025, includes a mandate for the European Commission to establish an indicative watchlist for emerging soil contaminants, including pesticides, within 18 months.

UK

Great Britain

The proposed UK-EU Sanitary and Phytosanitary (SPS) agreement, which is set to be implemented in mid-2027, would see Great Britain (GB) dynamically align with EU pesticide standards. This includes active-substance approvals, maximum residue levels (MRLs), and plant protection product (PPP) authorisations and conditions of use. Such a deal would close a significant divergence 'gap' between the UK and EU which has opened up since Brexit.

Until such a deal is agreed however, there continues to be both active and passive divergence between UK and EU pesticide standards. This includes changes made by the Health and Safety Executive (HSE) in GB to MRLs for a significant number of substances, which has meant 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 the standards that GB inherited at the point of Brexit. HSE has been gradually making announcements to adopt MRLs in line with internationally agreed standards set by the Codex Alimentarius.⁴⁶⁸

Pesticide Action Network UK (PAN-UK) reports that there were changes to 764 MRLs in total between 2021-2025, and between 2022 and 2024 115 specific MRLs were weakened on various types of produce, mostly fruit and vegetables⁴⁶⁹ 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 12 pesticide active substances,⁴⁷⁰ 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.⁴⁷¹

Prior to Brexit, responsibility for reviewing and agreeing the level of risk that a pesticide might pose was shared between all Member States. After the UK left the EU, the HSE became the competent authority for pesticide approvals in GB. A lack of capacity and capability has been blamed for a slowdown in restricting harmful pesticides⁴⁷². There have been some progressive developments, however, in the control of damaging pesticides, specifically some neonicotinoid pesticides – so-called 'bee-killing' pesticides⁴⁷³ which have been banned for use in the GB since 2018 (clothianidin, imidacloprid and thiamethoxam). However, 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 granted⁴⁷⁴ and thus leading to a divergence in implementation of law.

The current UK Government however, in January 2025, rejected an application for a further re-authorisation of the use of thiamethoxam (within the ‘Cruiser SB’ product) for use on sugar beet seed. 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 their use across Great Britain, though it is worth mentioning that sugar beet is not widely grown in Scotland and Wales). The Government subsequently stated in the 2025 Environmental Improvement Plan that it would end the use of thiamethoxam, clothianidin and imidacloprid, committing to legislative changes by end-2027 in order to end the use of such emergency authorisations for neonicotinoids.⁴⁷⁵

The UK Government’s Pesticides National Action Plan (NAP), published in March 2026, provides a strategy for managing pesticide use and reducing the associated environmental and health risks across the four nations of the UK. Long overdue,⁴⁷⁶ the NAP has a headline target of reducing pesticide use on UK farms by 10% by 2030. This is lower than the EU’s equivalent goal of 50% under its Farm to Fork strategy and is more limited in scope in that it only applies to arable farms and not urban areas. It is worth noting that neither the UK nor EU targets are legally binding.⁴⁷⁷

Northern Ireland

Under the terms of the Windsor Framework Agreement, Northern Ireland continues to apply rules relating to pesticides set by the European Union and as such there has been no divergence between Northern Ireland 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 Northern Ireland.

Divergence summary

Prior to 2026, IEEP UK research found some of the clearest evidence of post-Brexit UK-EU divergence within pesticides policy, particularly concerning changes to Maximum Residue Levels. However, the UK's commitment to dynamically align with EU pesticide regulation through a new SPS agreement, set to take effect in mid-2027, is set to end this divergence. In the meantime, however, standards set for the use of various pesticides in Great Britain have diverged – in some cases, sharply – from that of the EU. Northern Ireland, on the other hand, continues to apply rules relating to pesticides set by the EU under the Windsor Framework.

Recent developments

- ∞ In 2026, a provisional agreement was reached for a UK-EU SPS deal, which will have wide-ranging implications for post-Brexit divergence on Pesticides policy.
- ∞ By mid-2027, this agreement should close the divergence gap between the UK and EU on active-substance approvals, maximum residue levels, and plant protection product authorisations and conditions of use.
- ∞ The potentially regressive proposed EU 'Omnibus X' proposal on food and feed, which is still under debate, may threaten EU progress on pesticides, and may produce knock-on effects for the UK under the new SPS agreement.



EU

The most significant development in EU water policy since the UK's departure is the 2024 revision of the **Urban Wastewater Treatment Directive**.⁴⁷⁸ The revision introduces several significant changes to the previous version of the directive as IEEP UK research has outlined.⁴⁷⁹ 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 6 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 (EPR) for producers of medicines and cosmetics, requiring them to cover the costs of treating their chemicals in wastewater.

It should be noted however that some of these changes, particularly those in relation to the UWWTD, might not be seen or felt for some time as obligations on member states to make changes are not required until at least the 2030s and 2040s. In addition, there has been significant 'pushback' against the introduction of EPR for wastewaters particularly by industry groups most affected and supported by some member states. In early 2026, the Court of Justice of the EU (CJEU) dismissed an action brought before the case to halt and reverse the introduction of the new directive, particularly elements linked to EPR. However, in September, the CJEU's advocate-general has indicated that she considers some of the European Commission's calculations that are the basis for targeting the producers of medicines and cosmetics are perhaps not as robust as they could have been.⁴⁸⁰

In early May 2026, the EU adopted a new directive which revises the lists of pollutants in surface and groundwaters. It revises and aligns the **Water Framework Directive, Environmental Quality Standards Directive** and **Groundwater Directive**⁴⁸¹ and adds a range of newly identified substances harmful to human health and the environment, including certain PFAS or ‘forever chemicals’, pesticides and pharmaceuticals. EU Member States will therefore be required to comply with stricter water quality standards and enhanced monitoring obligations for these pollutants. Environmental NGOs, however, have expressed concern regarding two new exemptions to the Water Framework Directive’s non-deterioration environmental principle, which underpins the EU’s wider framework for water protection. In particular, the reforms permit certain forms of temporary short-term deterioration in water bodies and allow activities that relocate pollution between water bodies without increasing overall pollution levels.⁴⁸²

In 2026, the EU revised an older 2004 directive relating to the regulation of **detergents and surfactants in water**.⁴⁸³ This causes divergence between UK and EU standards. In essence this new regulation updates the older rules to account for online ‘distance’ sales that have grown significantly in the intervening period, to require new digital product information for goods being sold, update rules on intentionally added microorganisms and maintain and develop rules on the biodegradability of surfactants. The implications of this new regulation for UK-EU trade prompted the government to publish an explanatory memorandum.⁴⁸⁴ Northern Ireland will apply the new regulation as it falls under the auspices of the Windsor Framework/Northern Ireland Protocol and the UK government, on behalf of Great Britain is beginning work to consider whether domestic UK law needs to be updated in light of this development.

Of arguably less significance for UK-EU divergence were changes made to rules for the **reuse of water**⁴⁸⁵ particularly for agricultural irrigation but also in relation to permitting requirements and minimum monitoring requirements.

The EU adopted the European Water Resilience Strategy⁴⁸⁶ in June 2025 providing a strategic framework intended to shape future EU legislation, investment, and implementation priorities. The Strategy reflects growing EU concern over droughts, flooding, water scarcity, pollution, infrastructure degradation, and climate resilience. A notable feature of the strategy is the introduction of a ‘Water Efficiency First’ principle, modelled on the EU’s existing ‘Energy Efficiency First’ approach. The Commission indicated that the EU should aim for at least a 10% improvement in water efficiency by 2030. The strategy also places significantly greater emphasis on water reuse, digitalisation, infrastructure modernisation, leakage reduction, and nature-based solutions.

UK

England

In England, where public concern about the poor state of rivers, lakes and coastal waters has been significant for a number of years, the government has published, ‘A New Vision for Water’ White Paper⁴⁸⁷ which builds on the recommendations of an Independent Water Commission,⁴⁸⁸

and which sets England on a path towards major reform for the water sector. Key aspects of this reform include greater emphasis on long-term strategic planning, resilience, infrastructure investment, storm overflow reduction, agricultural pollution controls, water efficiency, smart metering, and public health considerations – strategic elements not too dissimilar to the EU's new European Water Resilience Strategy. Importantly from the perspective of regulatory divergence, the White Paper indicates that the Government is considering changes to EU-derived water legislation such as the **Water Environment (Water Framework Directive) Regulations** and the **Urban Wastewater Treatment Regulations**. An expected 'Clean Water Bill'⁴⁸⁹ may also increase legislative divergence between the UK (England) and the EU too.

Yet much of this is *prospective*; in other words, it has not happened yet. Legislative divergence to date has therefore been rather more limited. Some divergence has emerged for example in the form of the **Water (Special Measures) Act**⁴⁹⁰ which introduces a strengthened monitoring and enforcement regime, largely consistent with new provisions outlined in the 2024 UWWTD (Articles 21 and 29)⁴⁹¹ as well as the **Bathing Water (Amendment) (England and Wales) Regulations 2025**⁴⁹² which introduce more flexible rules for bathing water designation, monitoring, and seasonal management. Implementation of regulations in England derived from the 1991 Urban Wastewater Treatment Directive continues to take place despite the EU revising and updating this directive in 2024. See IEEP UK research on this topic.^{493,494}

Northern Ireland

Northern Ireland's water environment is managed through a legal framework that is centred on key pieces of legislation that were transposed and implemented when the UK was a member of the EU and includes for example the Water Framework Directive, the Urban Wastewater Treatment Directive and the Bathing Waters Directive. There has been no major change to these core legislative underpinnings since Brexit, with only minor, arguably negligible changes to NI's legislation related to water, for example the **Quality of Bathing Water (Amendment) Regulations (Northern Ireland) 2025**⁴⁹⁵ which added some specific sites to the list of designated bathing water sites.

As in other parts of the UK (and the EU), *implementing* water environment legislation has been a core challenge in Northern Ireland, epitomised most perhaps through repeated algal blooms at Lough Neagh, forcing the devolved administration to set out a dedicated action plan to remedy the situation.⁴⁹⁶

Scotland

Scotland's water environment is managed through a legal framework that is centred on key pieces of legislation that were transposed and implemented when the UK was a member of the EU and includes for example the Water Framework Directive, the Urban Wastewater Treatment Directive and the Bathing Waters Directive. There has been no major change to these core legislative underpinnings since Brexit however there have been some other developments that merit some attention.

An amendment to **The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021**⁴⁹⁷ has been put in place to tighten controls to the release of diffuse agricultural pollution to water bodies. The **Environmental Authorisations (Scotland) Amendment Regulations 2025**⁴⁹⁸ and **Environmental Authorisations (Scotland) Amendment Regulations 2026**⁴⁹⁹ are part of a wider reform (first started in 2018⁵⁰⁰ and therefore prior to Brexit) to Scotland's environmental permitting framework and in particular bring water, waste and industrial emission activities into a single framework for authorisations.

Wales

Wales's water environment is managed through a legal framework that is centred on key pieces of legislation that were transposed and implemented when the UK was a member of the EU and includes for example the Water Framework Directive, the Urban Wastewater Treatment Directive and the Bathing Waters Directive. There has been no major change to these core legislative underpinnings since Brexit however there have been some other developments that merit some attention.

In 2021, the Welsh Government put in place the **Water Resources (Control of Agricultural Pollution) (Wales) Regulations**⁵⁰¹ which replaced the application of the EU-era nitrates directive. In particular the regulations control nitrate pollution to waters from agricultural sources by designating the whole of Wales as a nitrate vulnerable zone and not just specific areas or holdings. Further updates were made in 2023.⁵⁰² Several provisions of the **Water (Special Measures) Act 2025** also apply to Wales, most notably in relation to pollution incident reduction planning and nature-based solutions.⁵⁰³

Alongside England, the Independent Water Commission recommended⁵⁰⁴ the creation of a new National Water Strategy for Wales to provide clearer national direction, establish interim targets, and strengthen accountability across the Welsh water sector, including through a new Ministerial Statement for Water Industry Priorities. It also proposed a review of Welsh water legislation, including the Water Framework Directive Regulations and Urban Wastewater Treatment Regulations, to better align with the Well-being of Future Generations (Wales) Act 2015⁵⁰⁵ and wider Welsh policy objectives. The UK government's anticipated 'Clean Water Bill' is likely to apply to Wales though it is important to note that, in its report, the Independent Water Commission stressed the importance of considering the differences in the challenges faced in England and Wales in the development of policy and legislation.

Divergence summary

All four parts of the UK continue to implement regulatory frameworks derived from key aspects of environmental water law it shared with the EU up until the point of Brexit: the Water Framework Directive,⁵⁰⁶ Bathing Water Directive,⁵⁰⁷ and the (1991) Urban Wastewater Treatment Directive (UWWTD).⁵⁰⁸

However, the EU's 2024 adoption of a revised Urban Wastewater Treatment Directive⁵⁰⁹ (UWWTD) as well as changes to the Water Framework Directive, Environmental Quality Standards Directive, and Groundwater Directive to tackle substances such as PFAS chemicals⁵¹⁰ indicates that there has been some significant divergence between EU and UK standards since Brexit.

Furthermore, the introduction of an EU Water Resilience Strategy⁵¹¹ to strengthen the bloc's 'water resilience' – for example to targets efforts towards greater water efficiency, water reuse and digital monitoring in light of climatic changes and pressures – point to wider strategic changes that are ongoing across the EU. However, it should be noted that some of these changes, particularly those in relation to the UWWTD, might not be seen or felt for some time as obligations on member states to make changes are not required until at least the 2030s and 2040s.

In the UK, developments have focused heavily on governance reform specifically in England and Wales but also in tackling pollution from urban and agricultural sources. Changes to 'core' underpinning pieces of water environment framework legislation that the UK inherited as a member of the EU, such as regulations stemming from the Water Framework Directive, Urban Waste Treatment Directive and Bathing Waters Directive have not yet been fundamentally changed though reform is now more seriously being considered, particularly in England and Wales. Implementation of existing standards continues to remain a serious challenge around the UK, but this is not dissimilar from other European countries either.

While the UK and EU continue to share many overarching objectives regarding water quality and environmental protection, and while the EU has put in place some significant new water-based environment legislation, both sides are now making structural changes to their water strategies focused on creating more integrated, resilient, and technologically driven regulatory frameworks, which also tackle 'emerging' pollutants (such as PFAS), and long-term water resource management.

Recent developments

- ∞ New EU legislative developments to regulate the sale of detergents and surfactants which impact upon the water environment, but also key changes that revise the lists of pollutants in surface and groundwaters. These cause distinct legal divergence between the UK and EU.
- ∞ Legal challenges against extended producer responsibility clauses within the new (2024) urban wastewater treatment directive continue leading to concern from some that further change in this area may take place in future.
- ∞ Water governance in England and Wales is entering a period of substantial reform driven by the UK Government's A New Vision for Water White Paper and the forthcoming Clean Water Bill.



Selected major developments in environmental legislation since Brexit causing consequential and significant divergence

IEEP UK's research⁵¹² has found that between 2020 and the beginning of 2026, over 50 EU directives and regulations concerned with environmental matters have changed.

These tables are selective summaries of what IEEP UK considers to be the most consequential and significant divergences in law between the UK and EU.

The tables focus on environmental measures that are 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 hundreds of changes to tertiary law (implementing acts etc) by the EU, for ease, these are not included and, in many cases anyway, do not constitute substantial or consequential change. Furthermore, since there are other non-environment laws with consequences for the environment e.g., in agriculture, fisheries or energy policy say, this assessment does not cover those in great detail; the focus is primarily on environmental law.

For clarification, the terms 'significant' and 'consequential', are not rooted in objective fact. Our assessment of what is significant or consequential for the topic of divergence is ultimately a subjective one. This assessment cannot easily be done without further study. Often new legislation raises environmental ambition and extends or otherwise alters obligations on affected parties. Our assessment of what is significant or consequential is based on IEEP UK's knowledge and experience of analysing environmental law over many years, and our particular experience of comparing and contrasting the evolving nature of UK-EU environmental law post-Brexit.

EU-led/initiated divergence

The following is a selected short list of major laws impacting on the environment that the EU have adopted since Brexit which have caused consequential and significant divergence between the UK and EU. The UK has not, in broad terms, decided to copy/replicate these laws in domestic law (yet) and as such, there is a gap, a divergence between the environmental standards, processes and objectives that these laws set versus those currently in place in the UK. In many cases, these laws build upon and 'enhance' laws that the UK implemented when it was a member of the EU.

Thematic topic area	Legislation
Air	Regulation on fluorinated greenhouse gases (2024/573) *
	Regulation on substances that deplete the ozone layer (2024/590) *
	Ambient Air Quality Directive (2024/1760) *
	Industrial Emissions Directive (2024/1785) *
Agriculture & Land Use	Soil monitoring and resilience Directive (2025/2360) **
Circular Economy & Waste	Regulation on ecodesign for sustainable products (2024/1781) **
	Waste Framework Directive – textiles and food waste *
	Regulation on preventing plastic pellet losses to reduce microplastic pollution **
	Regulation on batteries and waste batteries (2023/1542) *
Climate	Directive on greenhouse gas emission allowance trading (2023/959), creating ETS2 for buildings, road transport and additional sectors **
	Regulation establishing a Social Climate Fund (2023/955) **
	Energy Efficiency Directive (2023/1791) *
	Energy Performance of Buildings Directive (2024/1275) *
Cross-cutting	Environmental Crime Directive (2024/1203) *
Nature & Biodiversity	Nature Restoration Law (2024/1991) **
Water	Urban Wastewater Treatment Directive (2024/3019) *
	Environmental Quality Standards for Water (2026/805) *

* These are new laws that revise EU laws that the UK had implemented when it was a member of the EU.

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

Looking ahead...

The European Commission have made proposals for new legislation related to, and which will have an impact upon, environmental matters. These have not yet been formally adopted into law however should they be so these are likely to cause significant and consequential legislative divergence between the UK and EU.

Thematic topic area	Legislation
Cross-cutting	Industrial Accelerator Act (regulation)
Circular Economy & Waste	Circular Economy Act (regulation)

UK-led/initiated divergence

The following is a selected short list of major laws impacting on the environment that the UK Government or the Devolved Governments have adopted since Brexit which have caused consequential and significant divergence between the UK and EU. In broad terms, these represent a form of 'divergence by design'⁵¹³ whereby the UK has opted to actively and deliberately shape post-Brexit environmental law and move in a different (policy) direction to that of the EU.

Thematic topic area	Legislation
Agriculture & Land Use	Agriculture Act 2020
Cross-cutting	Planning and Infrastructure Act 2025
	Levelling Up & Regeneration Act 2023
	UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021
	Environment Act 2021 (specifically with regard to Biodiversity Net Gain)
	Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026
	Environment (Air Quality and Soundscapes)(Wales) Act 2024
	Genetic Technology (Precision Breeding) Act 2023
Nature & Biodiversity	Natural Environment (Scotland) Act 2026

UK-EU alignment

The following is a selected short list of major laws which impact upon the environment that the UK Government or the Devolved Governments which, in general terms and to varying degrees, have meant there has been post-Brexit alignment between the UK and EU post Brexit. They have often come about as a result of the EU legislating in a specific policy area, and then the UK deciding to 'catch up' with and in broad terms 'replicate' the policy and policy objectives set by the EU. In most of these cases, there was a time-lag between when the EU and UK legislated in these areas.

<i>Thematic topic area</i>	<i>Legislation</i>
<i>Circular Economy & Waste</i>	Packaging and Packaging Waste regulations (all four nations)
<i>Circular Economy & Waste</i>	Single use plastics regulations (all four nations)
<i>Circular Economy & Waste</i>	Single use vapes regulations (all four nations)
<i>Circular Economy & Waste</i>	Circular Economy (Scotland) Act 2024
<i>Climate</i>	Carbon Border Adjustment Mechanism regulations 2026
<i>Climate</i>	Emissions Trading Scheme – (specifically with regard to its expansion to include aviation and maritime emissions)

Possible future UK-EU alignment

The following are a list of possible areas for further alignment that the UK Government has publicly stated its desire to align with EU standards on.

Thematic topic area	Legislation
Chemicals	Unclear at this stage what legislative ‘vehicle’ will be used but the UK Government’s Environmental Improvement Plan 2025 has indicated its desire to “reform [UK REACH] to enable protections that address chemical pollution to be applied more quickly, efficiently and in a way that is more aligned with our closest trading partners, especially the EU, by December 2028”.
Climate	The UK government has consulted on aligning Euro7 emission standards from vehicles.
Pesticides	The proposed UK-EU Sanitary and Phytosanitary (SPS) agreement, which is set to be implemented in mid-2027, would see Great Britain (GB) dynamically align with EU pesticide standards. This includes active-substance approvals, maximum residue levels (MRLs), and plant protection product (PPP) authorisations and conditions of use.
Nature & Biodiversity	The UK government has reiterated its position that it intends to align its anticipated forest risk commodities legislation, first set out in the Environment Act (2021) with the EU deforestation regulation.



GLOSSARY

Area-based payment	Agricultural support calculated primarily according to the area of eligible land farmed.
Basic Income Support for Sustainability (BISS)	The main EU CAP income-support payment for farmers under the 2023–2027 CAP, replacing previous basic payment arrangements.
Basic Payment Scheme (BPS)	An agricultural support scheme providing direct payments largely according to eligible land area.
Biodiversity Net Gain (BNG)	England's development requirement for biodiversity improvement.
Carbon Border Adjustment Mechanism	A measure which applies a carbon price to certain goods (e.g. steel) to ensure that imported products face a carbon cost comparable to that borne by an Emissions Trading Scheme.
Codex Alimentarius	Internationally agreed food standards, including standards relevant to pesticide residues.
Common Agricultural Policy (CAP)	The EU framework for agricultural support, including farm income payments, rural development and environmental measures.
Common Understanding	Referring to an agreement made at a UK-EU Summit held in December 2025.
Conformité Européenne (CE Mark)	Indicates that a product conforms with applicable EU requirements on areas such as health, safety and environmental protection, allowing it to be placed on the European Economic Area (EEA) market where CE marking is required.
Critical Raw Materials (CRM)	Raw materials considered economically important but at relatively high risk of supply disruption, often because production or processing is concentrated in a small number of countries. Examples include lithium, cobalt and rare earth elements.
De minimis exemption/loophole	An exemption for impacts or developments below a specified minimum threshold.
Divergence by default	is whereby some or all of the UK nations simply fail to adopt the modifications that are made to EU law on a regular basis and do not follow the entirely new legislation either, so the gap between the two sides enlarges over time. This could occur for a number of reasons other than political antipathy. This might include limitations in technical capacity in the UK, particularly in technical agencies such as Health & Safety Executive, or lack of parliamentary time, or a choice to prioritise other initiatives.

Divergence by design	This could in principle be prompted by a desire to build a distinctively different approach for its own sake. Equally, it could derive from a conviction that an indigenous (UK) policy is more likely to meet domestic priorities and conditions than one derived from the EU, where the UK now has no voice. These priorities could be economic or social and would not necessarily be environmental.
Dynamic Alignment	For the UK, this would consist of the Government choosing to adopt the same environmental measures as the EU, on broadly the same timetable. This includes a constant updating process, making the same modifications to current legislation as the EU (with exceptions where essential, for example in relation to aspects of reporting). This is broadly speaking the current position for those environmental measures falling within scope of the Northern Ireland Protocol/Windsor Framework Agreement.
Ecodesign for Sustainable Products Regulation (ESPR)	An EU regulation that establishes a framework for setting sustainability requirements for products, covering areas such as durability, repairability, recyclability, resource efficiency and the presence of substances of concern.
Emissions Trading Scheme (ETS)	A system that sets a limit on greenhouse gas emissions from certain emissions-intensive industries. Companies receive or purchase emissions allowances, which can be traded, creating a financial incentive to reduce greenhouse gas emissions.
Endocrine-disrupting chemical (EDC)	A chemical capable of interfering with the body's hormone system.
Environmental Delivery Plan (EDP)	The regional planning mechanism described in connection with England's new approach to addressing environmental impacts.
Environmental Impact Assessment (EIA)	A formal process for assessing the likely environmental effects of proposed projects or activities.
Environmental Land Management Schemes (ELMS)	England's post-Brexit system of agricultural schemes that pays farmers and land managers for environmental and other public benefits.
EU Deforestation Regulation (EUDR)	EU Regulation on Deforestation-free Products, covering specified commodities and associated products.
European Green Deal	A broad and wide-ranging strategic plan launched by the European Commission in 2019 in part to foster economic growth but also encompassing various environment and climate-based policies, initiatives and new legislation.
Extended Producer Responsibility (EPR)	An environmental policy approach that obligates producers to be responsible for the environmental impacts of their products, particularly at the end of their life, including the costs of collecting, sorting, recycling and disposing of waste.
Farm to Fork Strategy	EU strategy containing objectives relating to food systems, including pesticide-use and risk reduction.

Forest Risk Commodities (FRCs)	Commodities associated with a risk of deforestation; used specifically in the UK's regulatory framework.
Global Biodiversity Framework (GBF)	The international biodiversity framework referred to throughout the report. More formally the Kunming-Montreal Global Biodiversity Framework.
Good Environmental Status (GES)	A condition in which marine waters are ecologically healthy, clean and productive, with human activities managed at levels that allow marine ecosystems to function effectively and remain resilient.
Highly Hazardous Pesticide (HHP)	A pesticide presenting particularly high acute or chronic risks to health or the environment according to relevant hazard criteria.
Kunming-Montreal Global Biodiversity Framework (GBF)	A global agreement adopted in 2022 under the UN Convention on Biological Diversity, setting goals and targets to halt and reverse biodiversity loss by 2030 and support the recovery of nature by 2050.
Maximum Residue Level (MRL)	The maximum legally permitted concentration of pesticide residue in or on food or feed.
Maximum Sustainable Yield (MSY)	The largest average catch that can be taken from a fish stock over the long term without compromising the stock's ability to replenish itself.
National Restoration Plan (NRP)	The plans EU Member States must prepare to demonstrate how they will meet Nature Restoration Law targets.
Nationally Determined Contribution (NDP)	A national climate plan submitted under the Paris Agreement 2015, setting out a country's commitments and actions to reduce greenhouse gas emissions.
Natura 2000	An EU-wide network of protected areas established to conserve Europe's most threatened and valuable species and habitats under the EU Birds and Habitats Directives.
Neonicotinoids	A class of insecticides associated with risks to pollinators.
Non-renewal of approval	A regulatory decision not to extend an active substance's approval after its existing approval period expires.
Omnibus X	The EU food-and-feed simplification proposal discussed in the report, including proposed changes to pesticide and biocide renewal procedures.
Other Wooded Land (OWL)	Wooded areas outside the EUDR's current definition/scope of forest, discussed as a possible extension of the regulation.
Oxo-degradable Plastics	Conventional plastics containing additives that cause them to break down more quickly when exposed to heat, light or oxygen. Rather than fully biodegrading, they can fragment into smaller pieces, contributing to microplastic pollution.
Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)	A group of synthetic organofluorine chemicals characterised by multiple fluorine atoms bonded to carbon chains. Their high chemical and thermal stability means they break down extremely slowly in the environment, earning them the name "forever chemicals".

Perfluorocarboxylic Acids (PFCA)	A subgroup of PFAS, characterised by a fully fluorinated carbon chain and a carboxylic acid group.
Perfluorohexane Sulfonic Acid (PFHxS)	A type of PFAS that has historically been used in products such as firefighting foams, stain-resistant coatings and other industrial applications.
Perfluorooctanoic acid (PFOA)	One of the best-known chemicals within the broader PFAS family.
Plant Protection Product (PPP)	A regulated product used to protect plants or plant products, typically containing one or more pesticide active substances.
Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	The EU's main regulatory framework for chemicals, designed to protect human health and the environment from risks posed by chemical substances.
Sanitary and Phytosanitary (SPS) agreement	An EU/UK agreement covering measures designed to protect human, animal and plant health, including relevant pesticide standards.
Selective Alignment	Where the UK would actively or deliberately choose some areas of policy with which to align with the EU on.
Special Area of Conservation (SAC)	A protected area designated to conserve important habitats and species. SACs originated under the EU Habitats Directive and form part of the Natura 2000 network within the EU.
Substances of Very High Concern (SVHC)	Under REACH, this refers to chemicals identified as posing particularly serious risks to human health or the environment, for example because they are carcinogenic, persistent and bioaccumulative, or have other properties of equivalent concern.
Sustainable Use of Pesticides Regulation (SUR)	The withdrawn EU proposal that would have introduced measures including pesticide-use and risk-reduction targets.
Trade and Cooperation Agreement (TCA)	The agreement governing the post-Brexit relationship between the UK and EU, covering areas including trade, transport, energy, fisheries and wider cooperation. It was agreed in 2020 and came fully into force in 2021.
UK-EU Reset	Referring to a UK-EU Summit held in May 2025 and a Labour Party manifesto policy to “ <i>seek to deepen ties with our European friends, neighbours and allies</i> ” covering various policy initiatives, not just on environment.
Windsor Framework	The post-Brexit arrangements under which, in the context of this report, Northern Ireland continues to apply relevant EU rules.



ENDNOTES

Introduction

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- 4 Good examples here include genetic technology precision breeding or on England's biodiversity net gain policy.
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