

UK Internal Market

Submission in response to BEIS Consultation by Wildlife and Countryside Link

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Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.

Although the UK Internal Market consultation primarily concerns matters of domestic trade, it is important to highlight the potential environmental consequences of the White Paper.

The proposed UK Internal Market measures are being proposed to help manage the transfer of powers from the EU to the UK Government and to devolved administrations. As 80% of the UK's environmental regulation has been shaped by the EU, the management of this transfer of powers will have consequences for the environment.

The current internal market arrangements have provided benefits to the environment. The UK Government and devolved administrations have been aligned behind a common baseline of minimum EU standards, whilst having the opportunity to innovate to go further, with other Governments/administrations often then following the pioneering lead set by others, creating a race to the top in standards. Examples of this upward divergence followed by subsequent action in other jurisdictions include the Wales Environment Act 2016 (the UK Government introduced an Environment Bill three years later) and the UK Government's 25 Year Plan 2018 (the NI Environment Minister subsequently stated his intention to introduce a NI Environment Strategy within the current government mandate).

This freedom to innovate above a common baseline, resulting in upward divergence followed by stronger alignment, could be threatened by the focus of the UK Internal Market White Paper on regulatory uniformity across the UK. A combination of 'mutual recognition' of regulations across the UK and the removal of 'unnecessary regulatory barriers', described as principle goals of the paper, could instead create a de-regulatory race to the bottom. Such a race to the bottom on environmental regulation could put the natural assets on which much of our economy directly relies at risk, including our £257 billion tourism sector, our £122 billion food and farming sector.

To address this risk, the Government needs to clearly state that environmental upward divergence is permissible and at times necessary within the UK, and ensure that legislatures are not unduly restricted in their ability to bring in new progressive and necessary environmental rules and regulations. Indeed, such action should be encouraged with specific provisions making clear the permissibility of doing so.

All four UK legislatures should agree to a binding non-regression mechanism for environmental standards to provide a common baseline, along with a shared stated ambition for environmental policy to be progressively improving and world-leading in its effectiveness, stringency and ambition. Clear

measures should then allow each of the legislatures to move at the speed they consider appropriate towards that ambition, with mechanisms that allow legislatures to take the action that they consider to be necessary and appropriate for their circumstances, while facilitating dialogue and information exchange about shared progressive ambition and upward movement, and how to bring other legislatures up to speed as appropriate.

Paragraph 134 of the White Paper makes a suggestion that could be expanded to become the vehicle to facilitate such upward divergence on environmental matters – that mutual recognition could “allow scope for such differential treatment where this is necessary, for example, to address a public, plant or animal health emergency”. The differing landscapes, ecosystems and political priorities of the UK’s nations create justifications for differential treatments for environmental matters. It would be helpful for the Government to widen this environmental exception to mutual recognition by allowing scope for differential treatment to address environmental needs and goals too.

Clear rules, principles, guidelines and mechanisms must be in place to ensure that no UK legislature is hampered in its ability to move at faster speeds towards the shared ambition for the UK to lead the world in environmental protection, and to bring other legislatures up with them. Ultimately, having the flexibility to allow for upwards environmental divergence leads to mutual environmental progress.

For questions or further information please contact:

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