

ESG in 3D: Environment

Retained EU Law Bill 2022: Racing to the bottom?

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Digest:

- The Bill will sunset the majority of retained EU law so that it expires on 31st December 2023, subject to extension of the sunset date to a hard long stop of 23 June 2026.
- The government's Retained EU Law Dashboard shows Defra is responsible for 570 retained EU laws, DfT for 424, HM Treasury for 374 and BEIS for 318.
- In September 2020 then Prime Minister Boris Johnson signed the Leaders Pledge for Nature committing to put nature and biodiversity on a road to recovery by 2030.
- The dumping of raw sewage into rivers and seas, and record temperatures during this year's heat wave, affecting both wildlife and people, have contributed to growing public concern over the environment.

Source/Context:

Alongside the Chancellor's "mini-budget" the Government published its proposed [Retained EU Law \(Revocation and Reform\) Bill 2022](#) setting out its plans for enabling the Government, via Parliament to amend more easily, repeal and replace retained EU Law.

Alongside this the government has published a ["Retained EU law dashboard"](#) listing retained EU laws on the UK statute book.

The Government has stated that before the EU law sunset date Government departments and the devolved administrations will determine which retained EU law can expire, and which needs to be preserved and incorporated into domestic law.

While many have expressed concern at the impact of such a move, and indeed whether it is possible in the time envisaged, the environmental sector in particular is up in arms. Legislation at risk includes retained EU laws covering sewage pollution, water quality, clean air and nature conservation, widely considered to be the bedrock of environmental regulations in the UK.

What does this mean for the FS and other industries?

While the government has restated its commitment to the environment, the prospect of EU environmental laws being removed wholesale from the statute book has significant implications for a wide range of industries.

Although there have been repeated calls for environmental laws to be weakened to facilitate economic development, large parts of the regulatory framework have been stable for some decades, despite Brexit, facilitating long-term investment decisions.

The loss of this stability will impact business certainty, including for the environmental goods and services sector itself, and is also likely to undermine progress on tackling the climate and biodiversity crisis.

Contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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