

Additional Evidence

1. The vast majority of environmental laws in Wales are currently shaped at EU level. In fact, of all the policy areas where EU powers intersect with devolved competences, the greatest number relate to the environment.¹ As such, the nature of the future UK-EU relationship could have major environmental implications for Wales.
2. There is a strong body of evidence to demonstrate the significant positive impact that EU membership has had on a broad range of environmental issues across the four UK nations, in particular via the establishment of robust legislative frameworks and associated oversight, accountability and enforcement mechanisms.² This has helped to ensure a more coordinated approach to addressing transboundary environmental issues such as the conservation of migratory and wide-ranging species – for example, the EU Nature Directives have led to the establishment of a coherent pan-EU network of protected sites based on a common scientific methodology, criteria and set of ecological features, and measurable improvements in the status of protected species.
3. In addition, EU legislative frameworks currently underpin the level playing field that is relied on to facilitate UK-EU trade, with most if not all EU environmental legislation directly or indirectly linked to the integrity of the internal market.³ In its recent presentation on the framework for the future UK-EU relationship and the need for a level playing field in relation to cross-cutting environmental rules, the European Commission explicitly referenced the need for a firm commitment to upholding standards across the “whole territory” of the UK in any post-Brexit agreement, in combination with effective domestic enforcement structures.⁴
4. We were pleased to see the recognition by the Welsh Government in its recent paper on trade policy of “the merits of a strong framework of European regulation” on environmental standards.⁵ We believe it is vital that the four UK nations continue to cooperate closely with the EU on environmental matters post-Brexit, not least given the UK’s close geographic location off the coast of continental Europe, the shared land border with another EU Member State on the island of Ireland, and the transboundary nature of most environmental issues.

¹ <https://www.instituteforgovernment.org.uk/explainers/brexit-devolution-and-common-frameworks>

² <http://ukandeu.ac.uk/research-papers/eu-referendum-and-uk-environment-expert-review/>

³ <https://ieep.eu/news/brexit-single-market-customs-union-and-the-environment>

⁴ https://ec.europa.eu/commission/publications/slides-level-playing-field_en

⁵ <https://beta.gov.wales/sites/default/files/2018-01/180202-trade-policy-the-issues-for-wales.PDF>

5. In particular, we believe it is essential that all sides commit to maintaining high standards of environmental protection at least as strong as those currently in place as part of any future trade deal. In our view, this will require robust environmental safeguards and associated governance arrangements to be included in any framework for the future UK-EU relationship. Otherwise, there is a clear risk of downward pressure on standards post-Brexit, with knock-on implications for our long-term well-being and prosperity. Such safeguards will need to encompass a broad range of issues, including, amongst others, issues such as air quality, water quality, and the protection of species and habitats (as noted in the European Commission's presentation referenced above).
6. In our view, therefore, the Welsh Government should commit to continued alignment with EU standards post-Brexit, as well as considering how best to address the potential governance gap that will emerge across the four UK nations in the absence of a suitable replacement for the functions currently performed by EU institutions in ensuring that all four UK governments are held to account on their environmental commitments. This will be vital in order to inform the Welsh Government's input to the UK's negotiating position on the framework for the future relationship under Article 50.