



BREXIT Newsletter

April 2017 | Issue 1

Headlines

- **Task Force established and 3 meetings taken place and Co-Chairs appointed**
- **Initial scope has been agreed for the first tranche of work**
- **BREXIT part of the website established**
- **Contact made with relevant Government departments and other bodies and NGOs**
- **Engagement with working parties to contribute to the process**

This is the first of what will be regular newsletters updating members on the progress of the work being undertaken by the BREXIT Task Force. We are the Co-Chairs and details of the members of the Task Force are on the Website.

To date the Task Force has met on 3 occasions and has set the Agenda and timetable to take forward the Association's work on BREXIT.

As you will know, UKELA adopted a neutral stance on the EU Referendum making clear that it would work for good environmental law and outcomes and looked forward to the process offering a chance to consolidate and enhance UK environmental law.

The Task Force after much discussion looked at the best way for UKELA to contribute to these aims, having regard to its expertise in environmental law, and decided to concentrate initially on two areas:-

- Identify those areas of environmental law that would prove difficult to transfer and come up with practical solutions to enable UKELA to engage



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constructively on the Great Repeal Bill and other new legislation when the Bills emerge. There has been an indication that up to one third of environmental regulation may be difficult to transfer and it is the intention of UKELA to ensure that any retreat from existing environmental protection is to be resisted. We are currently conducting detailed mapping exercises in key areas of environmental law to see how EU law has been integrated into our national law. Only when we see the precise terms of the Great Repeal Bill (probably to be published May or June) can we judge how successful the Government has been in securing a smooth 'roll-over' and our current work will then put us in a good position to provide critical assessments.

- Identify existing international environmental obligations and how they have been implemented in the EU and domestically, looking also at how those obligations will be carried forward in future to ensure these are not overlooked in any changes made to legislation.

Stephen Tromans and Paul Bowden have kindly agreed to cover legal issues around withdrawal from Euratom and are preparing a paper which we will publish, and submit to Government.

In addition there are a number of other topics we are looking at which will develop as the exit process proceeds. Several themes of concern have emerged quite apart from the task of transferring the EU Acquis in environmental law into domestic law. These include the future of enforcement (given that post-Brexit the European Commission will no longer perform an

enforcement role) and standard setting and rules on environmental information.

UKELA has employed a researcher, Joe Newbigin, a barrister, who will work for us 4 days a week. Rosie Oliver has increased her working hours to provide more support for our Brexit work. UKELA has also contracted Ian Cowan of Highland Law to provide support to the Scottish membership on providing input on the implications of Brexit in Scotland.

We are using the significant pool of talent in our working parties to assist with this process and have had a significant input from them which is much appreciated by the Association.

To ensure the UKELA profile is maintained we have had meetings with the main Government Departments with environmental interests (DEFRA, BEIS, and Dept of Community and Local Government) and the Environment Agency to make sure they are aware of our work. We are planning to meet with the Scottish Government and SEPA, the Welsh Assembly and Natural Resources Wales and the Northern Irish Environment Agency. We are also liaising with a wide range of Professional bodies and NGOs.

In December Richard Macrory gave evidence to the HL Sub Committee on Energy and Climate Change in their inquiry on BREXIT. His evidence was quoted extensively in their report published in February. Richard also spoke on Brexit and international environmental law at the Brexit conference organised by the British Institute for International and Comparative Law in January, and will be speaking at the ENDS conference on Brexit and environmental law

in April. On each occasion Richard highlights the work being done by UKELA so our contribution is reaching a wider audience.

We are planning a major conference in London on Brexit and environmental law for members in June (hopefully after the Great Repeal has been published) where Lord Carnwath has agreed to participate, as well as a seminar in Belfast on the implications of Brexit on environmental law in Northern Ireland. Details on both will be sent before too long.

UKELA has also submitted written evidence to the Environmental Audit Committee as part of their Inquiry on the Future of Chemicals Regulation principally around the future of REACH following BREXIT.

Copies of both submissions are available on the UKELA website.

We are hoping that the website will provide a significant resource for members in terms of references and materials from a wide range of sources and if members have material they think should be added please contact [Rosie](#) or [Joe](#).

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