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for Environment  
Food & Rural Affairs

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DS My,

Thank you for your letter on behalf of the Environmental Audit Committee (dated 14 November) that follows on from my appearance before your Inquiry on the Government's Environmental Policy evidence session on 1 November 2017.

As I said at the evidence session, the United Kingdom's decision to leave the European Union creates new opportunities for a Green Brexit and to enhance our environmental standards. Protecting our environment will form an important part of the EU exit negotiations.

The European Union (Withdrawal Bill) will make sure that the whole body of existing EU environmental law continues to have effect in UK law, providing businesses and stakeholders with maximum certainty as we leave the EU. We will then have the opportunity, overtime and via Parliamentary scrutiny, to ensure that our legislative framework delivers our aim to be the first generation to leave the natural environment in a better state than we inherited it.

Leaving the EU means that we now have a unique opportunity to design a set of policies to drive environmental improvement with a powerful and permanent impact, tailored to the needs of our country.

The UK has a long history of wildlife protection and is a signatory of international wildlife protection conventions, such as Ramsar and Bern, independent of EU membership. We will continue to uphold our international obligations and to continue to work with and through multilateral organisations to tackle global environmental problems.

We have the chance to set the gold standard for environmental science and become a home to centres of environmental excellence. A new independent, statutory body and a strong statement of environmental principles will ensure that outside the EU, the UK becomes the world-leading curator of the most precious asset of all: our planet.

## **Environmental governance**

In your letter you address the subject of environmental governance and ask whether we will be consulting on whether a single body should oversee a common framework of standards across the nations of the UK.

On 12 November I set out plans to consult on a new, independent body to hold government to account on environmental commitments once we have left the EU.

In recent weeks a range of stakeholder groups and MPs have argued persuasively that the absence of a body to fulfil the monitoring, scrutiny and challenge functions that the European Commission currently performs in relation to environmental legislation is an important gap in our proposals for maintaining or indeed enhancing the current level of environmental protection.

There are significant questions to consider – in particular, exactly what functions and powers the new body should have to monitor the Government's performance on environmental issues and hold it to account. We need to consult as widely as possible on the specific powers and scope of the new body. It is important to gather views from stakeholders on different models and options by which government and potentially other public bodies could be held to account.

In particular, we will explore with the devolved administrations whether they wish to take a different or similar approach. We have been clear throughout that we respect the devolution settlements, that we expect more powers to be devolved and that no decisions which the devolved administrations currently make will be taken from them.

Our starting point will be that the new body should only cover England and environmental areas that are not devolved. However, we will discuss with the devolved administrations whether they wish to make use of this new body as they already do with the Climate Change Committee. Alternatively they may wish to create their own equivalent environmental body – just as there are Children's Commissioners for each home nation, for example.

## **Chemicals regulation**

The continued validity of registrations after exit is one of the government's negotiating objectives, as set out the Government's position paper on continuity in the availability of goods for the EU and the UK, which was published in August. In this position paper we set out the principles the UK proposes to maintain the availability of goods after Exit. This includes seeking to avoid unnecessary duplication of compliance activity for businesses and proposing that the UK and EU markets continue to recognise the validity of registrations issued prior to exit.

I am aware that the European Chemicals Agency, which you mention, has recently published guidance on the impact of the UK's withdrawal from the EU. That guidance is the EU's view of what would need to happen if there was no agreement on a future relationship between the EU and the UK. It now makes clear that a potential future

agreement may profoundly alter some of the answers given. As I said in the Committee hearing I do not wish to pre-empt the outcome of the negotiations.

REACH is a single market measure so any company wanting to place products on the EU market after the UK's exit will still have to follow REACH, whatever our future relationship with the EU. REACH continues to apply until we exit the EU and we are urging UK companies to still meet the final REACH registration deadline in 2018 to ensure they are compliant with regulatory requirements in the EU while we remain a member, and recognising that the Withdrawal Bill will bring REACH, with this registration requirement, into UK law

### **Environmental principles**

Your letter asked me to elaborate on the comments that I made about environmental principles at our session on 1 November. On 12 November I proposed a consultation on a new policy statement on environmental principles to apply after EU exit. The consultation will consider these matters in more detail, and I do not want to pre-empt the outcome of, and the valuable discussions around, that consultation

As you know, the current system of EU environmental legislation is underpinned by a number of 'environmental principles' such as sustainable development, the precautionary principle and the polluter pays principle. These principles are in some cases already part of EU directly applicable environmental regulations. The European Union (Withdrawal) Bill will preserve these principles where they are included in existing EU directly applicable environmental regulations and CJEU case law. We also recognise the need to set out environmental principles in one place to underpin future policy making.

The consultation will explore the scope and content of a new policy statement to ensure that the environmental principles continue to underpin policy making in the future, which will underline our commitment that environmental protection will be enhanced, not diluted, as we leave the EU.

Your letter asked me to cite examples of relevant work by environmental lawyers on how best to ensure these principles continue to underpin our environmental policymaking. This is a matter of discussion within the sector; as an example, I refer you to the article by Richard Macrory and Justine Thornton QC in which the difficulty of converting environmental principles into statute is explored:

**Journal of Planning & Environment Law (J.P.L. 2017, 9, 907-913), Environmental principles: will they have a legal role after Brexit? By Richard Macrory and Justine Thornton QC**

It will be important to gather views from a wide range of stakeholders before coming to any decisions. In particular, we will discuss the scope of the new policy statement with the devolved administrations. One of the key questions which we will explore with them, is whether Scotland, Wales and Northern Ireland wish to take a different or similar approach. We will, of course, respect the devolution settlement, and not take decisions on matters that are for the administrations in Cardiff, Edinburgh and Belfast to take.

## Trade Deals

Finally, your letter referred to the question from John McNally regarding government discussions about how we would ensure that future trade deals are environmentally sustainable.

The UK has a strong history of upholding the principles of sustainable development, labour and environmental protections and human rights, and of promoting our values globally. Trade agreements can promote and support labour protections, the environment, human rights, animal welfare and other important factors which support sustainable trade and development across the world.

I would like to reassure the Committee that we want to ensure that economic growth, development and environmental protection go hand in hand, and it is in everyone's interest to avoid any 'race to the bottom'. We will have the opportunity to promote our values around the globe in the areas that are of the greatest importance to us as a country.

I am in regular discussions with Government colleagues as we consider our overall approach to negotiating new trade deals, and we will bring forward our overall proposals on new trade agreements in due course.

Thank you again for your letter.

With every good wish,

*Michael Gove*

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