

Brexit Briefing: A level playing field for environmental standards on the island of Ireland post-Brexit

The island of Ireland and its surrounding waters represent a single biogeographic unit sharing common geology, landscapes, water catchments, flora and fauna.

Most environmental standards on the island are currently shaped by EU legal frameworks, with compliance in both jurisdictions overseen by the European Commission and the European Court of Justice.

These arrangements play a key role in encouraging environmental co-operation under the 1998 Good Friday/Belfast Agreement, supporting environmental improvements and providing a level playing field in order to facilitate North-South trade on a fair and sustainable basis.

The UK's scheduled exit from the EU in March 2019 poses significant challenges to environmental governance and hence to this trade relationship. Indeed, nowhere in Europe will the environmental impacts of Brexit be felt more keenly. Post-Brexit, there is a serious risk of divergence in core environmental standards coupled with a major environmental governance gap in Northern Ireland.

Environmental organisations welcome the commitment from all sides to protecting and supporting North-South co-operation and the all-island economy following the UK's exit from the bloc.

However, without sufficient safeguards there is a major risk of environmental dumping and reduced standards of protection post-Brexit, with future administrations in Belfast or in Dublin put under pressure to undercut one other based on divergence in the robustness of implementation, compliance checking or enforcement.

Priorities for the Political Declaration on the future EU-UK relations

The proposed Ireland Protocol, or 'backstop', provides for continued North-South alignment within only a narrow subset of those EU rules considered necessary for the continuation of frictionless trade in goods across the border.

Yet, the EU negotiating guidelines make it clear that the future trading relationship must include a set of "*robust guarantees which ensure a level playing field*," on issues including environmental standards.

The forthcoming Political Declaration on the future EU-UK relationship must include clarity on what these guarantees will be for the natural environment, ensuring the continued alignment with the minimum standards of protection currently in place on the island of Ireland.

At a minimum, this should include:

- A level playing field for environmental standards, based on a set of substantive rules anchored in EU law and covering core requirements in relation to, inter alia, nature protection, water quality, air quality, waste management and environmental assessment;
- Clear commitments binding both parties with respect to mechanisms for the effective oversight and enforcement of environmental standards in their respective jurisdictions, including guarantees on access to environmental justice and a proper complaints mechanism for citizens and civil society organisations; and
- An agreement on dispute settlement which covers all of the environment-related provisions, including legally binding decisions and sanctions in cases of non-compliance.

The [Environmental Pillar](#) and [Northern Ireland Environment Link](#) are working together to ensure that the environment on the island of Ireland is not put at risk following the UK's departure from the EU.