

Response ID ANON-M8YH-T596-X

Submitted to **UK internal market: policy option proposals**

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About you

What is your name?

Name:

Sean Kelly

What is your email address?

Email:

Sean@nienvironmentlink.org

What is your organisation?

Organisation:

NI Environment Link

Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

Consultation questions

1 Do you agree that the government should seek to mitigate against both 'direct' and 'indirect' discrimination in areas which affect the provision of goods and services?

Not Answered

Please expand on your response:

Background

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the natural and built environment of Northern Ireland. Its 65 Full Members represent 190,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are made on behalf of Members, but some members may be providing independent comments as well. If you would like to discuss these comments further, we would be happy to do so.

Introductory Comments

Our response is focused on matters related to environmental protection and the achievement of sustainability. To secure these outcomes, we seek to influence the development of public policy on matters that affect the environment. This White Paper is one such issue, as the operation of the UK Internal Market – and any legislate that governs it – has enormous potential to affect the ability of all governments to achieve their environmental ambitions, and of citizens and NGOs to hold those governments to account. In short, while this Internal Market White Paper may be about the movement of goods and services, it will have serious implications for the environment in Northern Ireland and across the UK.

The main logic in favour of cooperative UK action is that there are environmental benefits to devising common standards as a means of more effectively and efficiently tackling environmental challenges within each jurisdiction and across the UK. In addition, working together can also enable more ambitious action to be taken. By providing a 'level playing field' for economic actors, such common standards can also help to facilitate compliance (by avoiding inconsistencies and fragmentation). In their absence, there is a risk of a potential 'race to the bottom' whereby individual administrations successively lower their standards as a means of securing a competitive advantage. As such, cooperative approaches can help to avoid distortions in competition/unfair competition as a result of differing standards. From an environmental perspective, there are clear advantages to seeking to maintain minimum common environmental standards and approaches across England, Scotland, Wales and Northern Ireland (the four nations), ideally with the freedom for any of the nations to take a more ambitious approach if they so choose. From a practical perspective, a degree of alignment will also be required to maintain the UK's own 'internal market' and to enable the UK Government to effectively negotiate international trade agreements.

We would therefore like to make the following points in relation to the content of the White Paper and potential implications for the environment:

- Despite citing a commitment to ‘world-leading environmental standards’ without backing this commitment up through accompanying legislation, a ‘race to the bottom’ for environmental standards and protections across the UK remains a very realistic threat to our environment.
- The White Paper seems to place the pursuit of frictionless trade above all other policy ambitions including the desire to achieve ‘world-leading environmental standards’.
- All four UK legislatures should agree to non-regression of environmental standards as a new common baseline, along with a shared stated ambition for environmental policy to be world-leading in its effectiveness, stringency and ambition. We will fail to gain agreement on shared governance arrangements for an internal market if its principles are designed and imposed by the UK government. We must for example avoid the scenario whereby rules on environmental issues set in Westminster for England become the de facto norm across the UK, foreclosing opportunities for devolved policy innovation.
- Pre-Brexit, EU environmental rules provided a common baseline; however, member states could be more ambitious without falling foul of EU Internal Market rules of non-discrimination and mutual recognition. In its current form, the White Paper appears to suggest that this same opportunity will not be offered to the devolved administrations. To address this risk, the Government needs to clearly state that environmental upward divergence can be desirable and necessary within the UK and ensure that legislatures are not unduly restricted in their ability to bring in new progressive and necessary environmental rules and regulations.
- We agree with our Wildlife and Countryside Link colleagues in their submission to the Internal Market White Paper that: Paragraph 134 of the White Paper makes a suggestion that could be expanded to become the vehicle to permit such upward divergence on environmental matters – that mutual recognition could “allow scope for such differential treatment where this is necessary, for example, to address a public, plant or animal health emergency”. Given that we are facing climate and ecological emergencies, which are experienced in differing ways across the differing landscapes and ecosystems of the UK, differential treatments for environmental reasons are very much necessary. It would be helpful for the Government to facilitate this environmental exception to mutual recognition.

Conclusion

In conclusion, we support the view taken by the network of independent researchers from across the UK and the EU working on projects related to Brexit and the environment, that as it stands, the White Paper risks damaging the devolved administrations’ abilities to innovate – undermining the UK’s record in environmental leadership, and harming the very “trust between all involved parties” that the White Paper hopes to build.

Please respond here:

2 What areas do you think should be covered by non-discrimination but not mutual recognition?

Please comment here:

3 What would be the most effective way of implementing the two functions outlined above?

Please respond here:

Please respond here:

4 How should the government best ensure that these functions are carried out independently, ensure the smooth functioning of the Internal Market and are fully representative of the interests of businesses and consumers across the whole of the UK?

Please respond here: