

Brexit Position Statement: Cross-Border Environmental Cooperation on the Island Of Ireland

In order to ensure that the environment on the island of Ireland is not put at risk by the UK's departure from the EU, any agreement that is reached must fully address the issue of cross-border environmental cooperation. In particular, the pivotal role played by common and enforceable EU standards in facilitating cross-border cooperation and ensuring a level playing field across all areas of environmental policy must be fully taken into account in the outcome of the negotiations. To make progress, we believe that it is the interests of all sides to work together and secure an outcome that guarantees close future cooperation on environmental matters.

1. Key Points - We believe:

- That the island of Ireland and its surrounding seas comprise a single biogeographic unit and that effectively addressing shared environmental issues such as biodiversity loss and the conservation of freshwater and marine resources on an all-island basis relies on close cross-border cooperation.
- That cross-border cooperation on environmental matters is a core part the Good Friday Agreement and is embedded in the common framework of EU law and that any divergence or lowering of environmental standards on the island of Ireland as a result of Brexit could have significant implications for the environment, for citizens, and for businesses.
- That preserving cross-border cooperation and preventing unfair competition in relation to environmental protections post-Brexit will depend on maintaining the closest possible regulatory alignment between Northern Ireland and the Republic of Ireland on all matters currently covered by the EU environmental acquis.
- That appropriate mechanisms need to be put in place to guarantee this close regulatory alignment on environmental matters (i.e. to resolve any regulatory divergences and maintain common minimum standards at least as high as those currently in place). This should include consideration of the potential need to secure the on-going application of key EU Directives across the island of Ireland.
- That to effectively secure equivalence in terms of environmental protection standards, equally robust enforcement mechanisms will also need to be in place on both sides of the border, noting the significant role currently played by EU institutions in overseeing and enforcing compliance with environmental standards on the island of Ireland and securing access to justice for citizens and civil society organisations.
- That there needs to be on-going commitment to the continued provision of appropriate and effective cross-border structures, mechanisms and funding streams to support environmental cooperation and resolve and manage cross-border environmental issues post-Brexit.

2. Background: the Environment, the EU and the Border

- The island of Ireland and its surrounding seas represent a single biogeographic unit with shared land and sea borders. Given that environmental issues do not respect borders, effectively addressing these issues on an all island basis is dependent upon close cross-border cooperation.

- Cross-border cooperation on the island of Ireland is currently deeply embedded in the common frameworks of EU environmental law and policy in place as a result of our shared membership of the EU. The vast majority of our environmental laws and policies are currently governed by legal frameworks set at the EU level, and much of the funding for cross-border environmental projects comes via EU programmes.
- Working together within this common legislative and funding framework has been the major driver of environmental improvements on the island of Ireland, facilitating cross-border cooperation between both governmental and non-governmental organisations on a broad range of environmental issues. Together, this has enabled us to more effectively address cross-border environmental issues such as the conservation of species and habitats on an all-island basis, with knock-on benefits for the economy and wider society.
- Common environmental standards also play a crucial role in providing a level playing field and preventing unfair regulatory competition across key sectors in relation to cross-border trade, indirectly securing more robust protection of the environment.
- The European Commission (EC) and the Court of Justice of the European Union (CJEU) currently play a crucial role in overseeing and enforcing compliance with these standards and securing access to justice for citizens and civil society organisations, thereby ensuring harmonised implementation and a level playing field for business.

3. Who We Are

Nature Matters NI is a campaign for a nature friendly Brexit. Led by the NIEL Brexit Coalition, we are working for more sustainable land use and fisheries, and better environmental protection for Northern Ireland. In preparation of this all-island paper, the Coalition has worked in close cooperation with the Environment Pillar in the Republic of Ireland. Together we represent almost 100 environmental organisations from across the island of Ireland working together to draw attention to the cross-border environmental implications of Brexit.

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