

# European Union (Withdrawal) Bill

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AMENDMENT  
TO BE MOVED  
ON THIRD READING

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**After Clause 3**

LORD KREBS  
BARONESS JONES OF WHITCHURCH  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause—

**“Maintenance of EU environmental principles and standards**

- (1) The Secretary of State must take steps designed to ensure that the United Kingdom’s withdrawal from the EU does not result in the removal or diminution of any rights, powers, liabilities, obligations, restrictions, remedies and procedures that contribute to the protection and improvement of the environment.
- (2) In particular, the Secretary of State must carry out the activities required by subsections (3) to (5) within the period of six months beginning with the date on which this Act is passed.
- (3) The Secretary of State must publish proposals for primary legislation to establish a duty on public authorities to apply principles of environmental law established in EU law or on which EU environmental law is based in the exercise of relevant functions after exit day.
- (4) The Secretary of State must publish proposals for primary legislation to establish an independent body with the purpose of ensuring compliance with environmental law by public authorities.
- (5) The Secretary of State must publish—
  - (a) a list of statutory functions that can be exercised so as to achieve the objective in subsection (1); and
  - (b) a list of functions currently exercised by EU bodies that require to be retained or replicated in UK law in order to achieve the objective in subsection (1).
- (6) The Secretary of State must before 1 January 2020 lay before Parliament a Statement of Environmental Policy which sets out how the principles in subsection (7) will be given effect.
- (7) The principles referred to in subsection (3) include—

**After Clause 3 - continued**

- (a) the precautionary principle as it relates to the environment,
  - (b) the principle of preventive action to avert environmental damage,
  - (c) the principle that environmental damage should as a priority be rectified at source,
  - (d) the polluter pays principle,
  - (e) sustainable development,
  - (f) prudent and rational utilisation of natural resources,
  - (g) public access to environmental information,
  - (h) public participation in environmental decision making, and
  - (i) access to justice in relation to environmental matters.
- (8) Before complying with subsections (3) to (6) the Secretary of State must consult—
- (a) each of the devolved administrations;
  - (b) persons appearing to represent the interests of local government;
  - (c) persons appearing to represent environmental interests;
  - (d) farmers and land managers; and
  - (e) such other persons as the Secretary of State thinks appropriate.”

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*11 May 2018*

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