# Legal Spotlight MARCH 2020



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#### Budget 2020: Mixed reaction on environmental issues

The Budget has simultaneously pleased and infuriated environmentalists by promising long-awaited green measures whilst expanding roads and freezing fuel duty. The Chancellor, Rishi Sunak, said he was shifting the UK towards a low-carbon economy with a host of measures. He's removing the tax break on red diesel for industrial vehicles (except for agriculture and rail). That, he said, would reduce air pollution in cities. And he'll reduce the tax on electricity - which comes increasingly from renewable sources of energy - while increasing tax on polluting gas. Mr Sunak is also going to double research and development into energy research to £1bn. There's been a welcome reception from the recycling industry for a new tax of £200 per tonne on plastic items containing less than 30% recycled plastic. But plans for the roads programme could be challenged in the courts for breaching the UK's laws on climate change (like Heathrow's third runway, see below). If you'd like to find out more click here.

#### Heathrow third runway ruled illegal over climate change

Plans for a third runway at Heathrow airport have been ruled illegal by the court of appeal because ministers did not adequately take into account the government's commitments to tackle the climate crisis. The government is considering its next steps but will not appeal against the verdict. The transport secretary, Grant Shapps, said: "Our manifesto makes clear any Heathrow expansion will be industry-led. Airport expansion is core to boosting global connectivity and levelling up across the UK. We also take seriously our commitment to the environment." If you'd like to find out more click here.

# Cabinet reshuffle: key personnel changes that impact the green economy

Environment Secretary Theresa Villiers has been replaced by George Eustice, while Business Secretary Andrea Leadsom has been replaced by International Development Secretary Alok Sharma, who has also been named as COP26 President. In Prime Minister Boris Johnson's first major cabinet reshuffle since the Conservatives secured a landslide general election victory, both the Business, Energy and Industrial Strategy (BEIS) and Department for Environment, Food and Rural Affairs (Defra) secretaries have been sacked. For more information, click <a href="https://example.com/heres/beauto-secretaries/base

# Environmental concerns over bills replacing EU regulations

Wildlife, air quality and fish stocks may all be at risk as ministers water down EU regulations. The environment bill, agriculture bill and fisheries bill replace the EU's comprehensive framework directives, common agricultural policy and common fisheries policy. All three bills contain major flaws that undermine the government's claims. They leave gaps, fail on enforcement and oversight, open loopholes for future ministers to quietly backslide from existing standards, and turn what is currently a coherent system of long-term, stable regulation into a patchwork of competing and sometimes contradictory proposals. If you'd like to find out more click <a href="here">here</a>.

# The Government publishes its new Environment Bill policy statement

Powers to prevent the export of plastic waste to developing countries, binding targets on air and water quality and the protection of wildlife will be enshrined in law under the environment bill due to be introduced in parliamen. The commitments will replace the UK's current obligations on environmental protection under EU law, and the UK will be able to diverge in future from new requirements in EU regulations. The government has promised to review every two years "significant developments in international legislation on the environment to ensure we keep abreast of developments", but it will not be obliged to update British law in line with any such developments. For more information click <a href="here">here</a> and <a href="here">here</a>.

#### OPRL to launch 'binary labelling system'

The OPRL (On-Pack Recycling Label) is set to launch a "binary labelling system" in a bid to simplify the recycling process and reduce contamination. The not-for-profit company says the new labels, to be launched later this month, are modelled on consumer research insights and are being updated to a simple on-package direction of "recycle" or "don't recycle". The new binary OPRL label being launched this month. Under the system, any material not collected by at least half of councils will automatically be labelled as 'don't recycle' to avoid contamination problems, a spokesperson for OPRL said. If you'd like to find out more click here.

### UK ethical consumer spending hits record high

Ethical consumer spending has hit record levels in the UK, according to a new report that reveals the total market – including food, drinks, clothing, energy and eco-travel – has swelled to over £41bn. Total ethical spending has risen almost fourfold in the past 20 years and outgrown all UK household expenditure, which has been broadly flat, according to the new study from Co-op. For more information click <a href="here">here</a>.

## Shock rise in levels of potent greenhouse gas

Scientists had expected to find a dramatic reduction in levels of the hydrofluorocarbon HFC-23 in the atmosphere after India and China, two of the main sources, reported in 2017 that they had almost completely eliminated emissions. But a paper published in the journal Nature Communications says that by 2018 concentrations of the gas — used in fridges and air conditioners — had not fallen but were increasing at a record rate. For more information click <a href="here">here</a>.

### A look at the internet's impact on climate change

With the launch of streaming services from Disney and Apple, the rollout of 5G and the growth in cryptocurrencies, experts are warning about the impact this huge rise in data use could have on the environment. There are now hundreds of thousands of data centres around the world, storing everything from viral videos to doctors' notes and even bank account details. Many of them run on electricity generated by burning fossil fuels. For more information, click <a href="https://example.com/here-central-rule-cent

#### Defra slashes WEEE collection targets

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Defra's proposed WEEE collection target for 2020 stands at 537,976 tonnes. However, this target still represents a 9% increase in the total amount collected by compliance schemes in 2019. Earlier this year, it was confirmed that schemes collected a total of 494,976 tonnes of WEEE in 2019, missing the target for the third consecutive year. While this represented a 20,000 tonne jump from 2018, some in the industry have expressed concerns that the proposed targets for 2020 are still not achievable. For more information click here.

#### The EU commission proposes the first European Climate law

The Commission's proposal for the first European Climate Law aims to write into law the goal set out in the European Green Deal – for Europe's economy and society to become climate-neutral by 2050. This means achieving net zero greenhouse gas emissions for EU countries as a whole, mainly by cutting emissions, investing in green technologies and protecting the natural environment. The law aims to ensure that all EU policies contribute to this goal and that all sectors of the economy and society play their part. For more information click <a href="https://example.com/here-neutral-neutr

However, the planned law has been criticized by environment groups as not enough to tackle climate change in time. Environmental groups have said that a decade could be lost in Brussels' plan to combat change because its planned "climate law", which could tighten emission targets for member states every five years, would not kick in until 2030. For more information, click <a href="here">here</a>.