



Scottish Wildlife Trust Briefing

Potential Red Lines for the Scottish Government to take during negotiations with the UK Government regarding exiting the European Union

Red line 1

In line with the IUCN 'principle of non-regression in environmental law and policy'¹, the protections derived from EU regulations, directives, decisions and jurisprudence of the European Court of Justice relating to the environment in Scotland should not be in any way weakened during the 'Great Repeal Bill' process by the UK Government.

Red Line 2

UK Government must in future allow the Scottish Government to track EU environmental policy developments and revisions to EU regulations, directives or decisions and fully implement these through Scottish environmental legislation and policy.

Red Line 3

UK Government must allow the Scottish Government to set up a domestic mechanism such as a 'Scottish Environmental Court' with powers to consider breaches to implementation of environmental legislation to replace the European Commission / ECJ infringements mechanism.

Red Line 4

There should be an assumption that powers relating to the devolved competencies of agriculture, fisheries and forestry and related land uses currently sitting at EU level should be 'repatriated' fully to Scotland. UK Frameworks for these competencies should not be imposed on Scotland by the UK Government but the decision to take a UK approach in any given area should be a joint one.

Red Line 5

The UK Government should commit to continuing to work with the EU and EU member states in helping shape environmental policy at international level, including through engagement with the UN Framework Convention on Climate Change, Convention on Biological Diversity, the UN Sustainable Development Goals and the International Union for Conservation of Nature. UK Government should also provide the means for Scotland to contribute to such international conventions, agreements, policy frameworks and fora.

Red Line 6

In its negotiations with the EU, the UK should ensure that mechanisms are put in place to continue close collaboration with the EU and EU Member States on research and development.

Scottish Wildlife Trust
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¹ WCC-2016-Res-074-EN Reinforcing the principle of non-regression in environmental law and policy
https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2016_RES_074_EN.pdf