



Linking the Irish Environment

An Update on Northern Ireland
Developments

March 2024

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Introduction

Things have changed in Northern Ireland. In the months since the primary desk-based research for the [Linking the Irish Environment](#) Report (LIE Report) was concluded in May 2022 significant developments have taken place that relate to the UK's withdrawal from the EU and its outworkings in Northern Ireland and which are consequential for the overall impact of Brexit on the environment on the island of Ireland. To seasoned watchers of the Brexit process, and the position of Northern Ireland within it, this fact will not come as a surprise. From the beginning, the implications of Brexit for the island of Ireland – North and South – has been a dynamic and contingent area of research. For interested parties, keeping abreast of relevant developments is therefore both essential and challenging due to the fluid and inherently complex post-Brexit context for policymaking on the island of Ireland. Against this backdrop, the purpose of this short briefing is to provide an update on recent developments and to outline the actual or potential implications of the same for the future of environmental governance in Ireland and Northern Ireland.

Given that the dynamics mentioned here are still ongoing, the content that follows should be understood as providing an update at a particular point in time – March 2024 – rather than offering static conclusions on the events and initiatives discussed. Developments since the conclusion of the LIE Report which are relevant for its content have taken place in three contexts: in the politics and institutions of Northern Ireland; in UK law and politics more broadly; and in the diplomatic EU-UK relationship. What follows is a high-level overview of events in all three settings and a description of why they are important for the future of environmental governance on the island of Ireland; the latter sections in particular should be read in light of the LIE report.

Northern Ireland: Institutions Collapsed, Stalled, and Restored

Stormont Collapsed

In protest against the implementation of the *Protocol on Ireland / Northern Ireland* (the 'Protocol'),¹ then First Minister for the Democratic Unionist Party (DUP), Paul Givan, announced his resignation on 3 February 2022. Due to the requirements of power-sharing, this forced then Sinn Féin deputy First Minister Michelle O'Neill to also resign thereby collapsing devolved

¹ Since February 2023 under arrangements jointly agreed between the UK and EU, the legal text hitherto known as 'the Protocol' is to be known, following agreed amendments to it, as the 'Windsor Framework' (see Joint Committee Declaration 1/2023). In line with this new convention, the title of 'Windsor Framework' is used to refer to the Protocol after February 2023.

government in Northern Ireland. Days later, on 8 February, new legislation passed at Westminster to extend the deadline by which an Executive had to be formed – from 2 weeks to (up to) 4x 6-week periods – before the Secretary of State for Northern Ireland is obliged to call an election. The [Northern Ireland \(Ministers, Elections, and Petition of Concern\) Act](#) also made provision for non-Executive Ministers to remain in post for 24 weeks following an election or 48 weeks following resignation if/when no new Executive is formed.

On 5 May 2022 Assembly elections took place. Sinn Féin were returned as the largest party with 27 seats, followed by the DUP with 25 seats and the Alliance Party with 17 seats; the UUP came next with 9 seats, then the SDLP with 8 seats alongside 2 independents, 1 TUV and 1 PBP representative. Continuing their protest against the Protocol, the DUP opted not to form an Executive in the aftermath of the election and, additionally, did not support the election of a new Assembly Speaker. Due to a requirement for cross-community support in electing a Speaker, this meant that the new Assembly could not sit.

Stormont Stalled

Notwithstanding attempts to agree a basis for restoring the institutions, the legislative deadline for forming a new devolved government in NI passed on 28 October 2022 with no sign of resolution in sight. Having previously committed to call an election, the NI Secretary initially prevaricated then confirmed that there would not be one before the end of 2022. Instead, the UK government passed new legislation – the [Northern Ireland \(Executive Formation etc\) Act](#) – to further extend the deadline for Executive formation and to grant exceptional powers to officials in NI to carry out ‘the exercise of functions’ of government in the absence of Ministers. Another deadline was set for 19 January 2023. This date also came and passed without restoration of the institutions. With the DUP maintaining its opposition over the implementation of the Protocol, and as UK-EU talks on related issues continued, the NI Secretary introduced legislation to again extend the deadline for call an election. The [Northern Ireland Executive Formation and Organ and Tissue Donation\) Act 2023](#) became law on 28 February 2023 and introduced a revised deadline of 18 January 2024 for Executive formation. Additionally, addressing an issue about which there was considerable public pressure to take action, the 2023 NI (EFOTD) Act also made provision for the introduction of ‘deemed consent’ as regards organ donation in Northern Ireland.

Again, the January 2024 deadline passed without agreement to restore the NI institutions but with positive signs of progress to that end, provision was made – via the [Northern Ireland \(Executive Formation\) Act 2024](#) – for a short extension only until 8 February 2024; this proved to be the final extension necessary in this latest period of NI institutional malaise.

Stormont Restored

On 30 January 2024 the DUP endorsed a deal proposed by the UK Government as a foundation for ending their protest boycott of Stormont. Associated details were published the

following day in a Command Paper entitled ‘[Safeguarding the Union](#)’ alongside two draft statutory instruments and one draft statutory instrument for consultation, to implement aspects of the new agreement. Most of the changes proposed and/or subsequently introduced under ‘Safeguarding the Union’ relate to the movement of goods and Northern Ireland’s place in the UK internal market; in substance, the deal has limited direct relevance for environmental governance and environmental policy on the island of Ireland.

On 3 February 2024 the NI Assembly returned, a Speaker was elected and the new First Minister – Sinn Féin’s Michelle O’Neill – and new deputy First Minister – DUP’s Emma Little-Pengelly – were nominated to jointly lead the new NI Executive. Eight departmental ministers were also appointed representing four NI political parties – Sinn Féin, the DUP, Alliance and the UUP – with the SDLP opting to enter opposition. Notably from an environmental policy perspective, the Department for Agriculture, Environment and Rural Affairs (DAERA) is for the first time held by the Alliance Party.

Although the ‘Safeguarding the Union’ deal contained little of substantial significance for the environment, inasmuch as it provided a basis for the return of devolved government in Northern Ireland its indirect impact is important.

Why does this matter?

Lack of Environmental Progress: Unsurprisingly, prolonged periods without a fully functioning government are not conducive to achieving policy progress. During the latest almost two-year period of institutional stagnation in Northern Ireland, from Feb 2022 to Feb 2024, a whole series of pressing policy issues – including many pertaining to the environment – went unaddressed. Indeed, in some cases (for example the eutrophication of Lough Neagh) the situation on the ground has actively deteriorated since Stormont collapsed. Addressing the multiple pressing issues concerning the environment facing Northern Ireland and the island of Ireland in general was always going to be a difficult task for the NI Executive of the day; doing so after two (more) years of institutional stasis makes it even harder.

Outstanding Environmental Issues: A range of specific statutory deadlines to act in respect of environmental policy in Northern Ireland passed without progress during the latest period of Stormont collapse; incoming ministers must now pick these up and, belatedly, take action. Examples include:

Environmental Improvement Plan: for Northern Ireland is required under the *Environment Act 2021* ([s48](#) and [Sch2](#)) and was originally due in July 2023. At the time and subsequently, the

permanent secretary for DAERA [determined](#) “it is not appropriate for officials to introduce what would clearly be a new, major policy with significant new policy expenditure commitments”.²

Statement on Environment Principles: for public bodies in Northern Ireland, also required under the EA 2021, and which would guide all authorities regarding environmental implications of decisions taken, and their related responsibilities.

Nutrient Action Plan: the previous NAP for Northern Ireland ran from 2019 to 2022;³ the regulations are now out of date and no replacement plan has been made. This is particularly concerning given that the issues at Lough Neagh are directly related to (lack of) control of nutrients.

River Basin Management Plan: for Northern Ireland is required to be reviewed and updated by DAERA under the Water Framework Directive Regulations (assimilated law version), the third such plan was due by the end of 2021; a [consultation](#) on a draft plan took place in October of that year but a final plan has not yet been concluded.

Climate Action Plan: for Northern Ireland is required, under the Climate Change Act 2022 ([s51](#)), to be finalised by June 2024. Although not yet overdue, given this will be the first such plan ever developed for NI and in view of the scope of the challenges facing NI regarding climate action, meeting the current deadline will likely be difficult from this point.

Institutional Renewal: The return of the devolved institutions in Stormont [paves](#) the way for the renewal of operations of the North-South Ministerial Council and North-South Implementation Bodies. Given the pivotal role of these 1998 Agreement institutions when it comes to cross-border cooperation on the environment, this is a significant development. It is also the case that, post-Brexit, the NSMC and N-S Implementation Bodies are newly capable of informing the implementation of the Protocol/Windsor Framework through dedicated provisions in the text for these Strand Two bodies to make representations to the UK-EU Specialised Committee, one of the oversight bodies set up under its terms. While no meetings of the NSMC, following the most recent restoration of Stormont, have yet been arranged, the possibility and probability of one taking place in the near future is a positive development for environmental governance on the island of Ireland post-Brexit.

² Letter from DAERA Permanent Secretary Katrina Godfrey to OEP [theoep.org.uk](https://www.theoep.org.uk) (4 January 2024) Available: <https://www.theoep.org.uk/report/failure-meet-ni-eip-deadline-deeply-regrettable> (accessed 25 February 2024)

³ See *Nutrient Action Programme Regulations (Northern Ireland) 2019* SI 2019/81 Available: <https://www.legislation.gov.uk/nisr/2019/81/contents/made> (accessed 25 February 2024)

United Kingdom: Retained → Assimilated EU Law

Alongside developments concerning Northern Ireland only, important recent UK-wide legislative changes have implications for environmental governance. The most significant of these relates to 'retained EU law'.

With the aim of ensuring legal continuity, the *European Union (Withdrawal) Act 2018* provided that all EU law that had effect in the UK at the end of the transition period on 31 December 2020 would continue to have effect domestically and would do so as 'retained EU law' (REUL) a new category of law to which a retained UK version of the EU general principles of law still applied and which would continue to be interpreted by UK courts in line with CJEU case law as it stood at the end of transition. Because of the previous scope of EU competence, the significance of the EU as an environmental policy actor, and the (limited) number of environmental laws among those that still apply to NI under the Protocol/Windsor Framework, a substantial amount of environmental law in NI falls into the category of 'retained EU law'.

The EUWA 2018 had also empowered UK Ministers to revise or revoke REUL, however, the UK government wanted to further enable this process of making changes, and to reform the status of REUL in the UK; these aims were achieved via the *Retained EU Law (Revocation and Reform) Act 2023* (REUL Act).

Key provisions of the REUL Act can be summarised as follows:

- Revocation at the end of 2023 of:
 - 587 legislative instruments (in whole or in part) listed in Schedule 1;
 - all directly effective EU law (e.g., rights and obligations conferred by EU Treaties/Directives);
 - the modified principle of supremacy of EU law and general principles of EU law.
- Renaming 'retained EU law' as 'assimilated law'.
- Granting permission to lower UK courts to depart from legacy CJEU case law.
- Conferral of broad powers to UK ministers to restate, replicate, revoke and replace REUL/assimilated law (these powers expire after 23 June 2026) but with corresponding restriction on the exercise of these such that any replacement instrument cannot create new delegate powers, criminal offences or monetary penalties nor can taxes be levied, new public bodies established, or the overall regulatory burden created by a relevant instrument be increased.
- Conferral of a power to update REUL/assimilated law in light of technological and scientific developments (these powers do not expire).

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- Relaxation of scrutiny rules for modifying or revoking REUL such that it is easier for UK ministers to so, for example, using pre-existing delegated powers – this thereby reduces the level of parliamentary scrutiny possible of changes made under the REUL Act.

Why does this matter?

EU-derived Environmental Law: A significant amount of environmental legislation in Northern Ireland derives, directly or indirectly, from its previous EU membership and the application of law that came with it. Under the Protocol/WF certain EU laws continue to apply in Northern Ireland in the same way that they do in remaining Member States, however, the overlap between these Protocol/WF-applicable EU laws and the environmental chapter of EU law is minimal. What this means is that most environmental legislation that applies in NI as a legacy of its membership was retained EU law and is now assimilated EU law. One of the key effects of the REUL Act in NI therefore is to make a cadre of its existing environmental legislation less certain due to the new ease with which it can be amended, and the limited scrutiny requirements involved in the process.

A Deregulatory Preference: Changes introduced by the REUL Act have a deregulatory preference inasmuch as revisions or restatements of assimilated laws on the part of UK ministers cannot increase the overall regulatory burden of the relevant instrument. This is particularly important for NI given that so much of its environmental regulation has cross-border or all-island implications due to the realities of the single biogeographic unit that is the island of Ireland. In the (likely) event that changes to EU environmental laws serve to increase the regulatory burden of the relevant instrument(s) in Ireland, under the REUL Act, Ministers in NI could not amend assimilated law versions of the same or similar instruments to keep pace with the changing EU standard, even if they wished to do so. While, depending on the specific circumstance, it may be possible for NI to use other legislative means by which to align or mirror the evolution of EU laws that apply in Ireland, the restrictions and deregulatory preference of the REUL Act, in effect, have made this a more complex and challenging endeavour.

EU-UK Relations: Controversy → Consensus → Change

Controversy to Consensus

Talks between the UK and the EU over the implementation of the Protocol took place intermittently throughout 2022. Broadly, discussions centred on the possibility of easing certain customs/SPS checks otherwise required under the Protocol on goods moving from Great Britain to Northern Ireland; as well as on arrangements for governance of the Protocol, particularly the involvement of NI stakeholders within it; as well as on a range of specific issues or areas

including, for example, arrangements for moving parcels, pets, seed potatoes, and supplies of medicines into and out of Northern Ireland, as well as on the application of EU tariff rate quotas and state aid rules. Progress was slow and, more often than not, the two parties' positions seemed irreconcilably far apart. However, after Prime Minister Rishi Sunak took office, the 'mood music' surrounding the talks became much more upbeat. The first sign of substantive developments came early in January 2023 with the announcement that the UK and EU had reached an agreement on access to data and data sharing; this proved to be a prelude for a more comprehensive deal on the Protocol issues.

At a joint press conference on 27 February, the UK Prime Minister and European Commission President presented the 'Windsor Framework' agreement – a repackaged version of the Protocol incorporating some new provisions and several important amendments to the terms and context for its implementation. In substance the Windsor Framework is spread across a range of political and legal documents, the collective content of which are detailed and complex. Broadly, the changes introduced by the Windsor Framework fall into two categories: those that relate to goods and those that relate to governance.

Windsor Framework on Goods

On goods, the WF introduces easements for the movement of certain goods GB–NI based on differentiation according to destination. Trusted traders moving goods in scope of the provisions for sale, end use or consumption in Northern Ireland are to be able to avail of (what the UK termed) a 'green lane' process whereby fewer customs checks, and regulatory controls apply. By contrast, goods moving into Northern Ireland that are at risk of onward movement into the EU are to enter through a 'red lane' process wherein full customs checks, and regulatory controls, apply. These revised terms for movements of goods GB–NI are reflected in and achieved by an amendment to Article 6(2) of the Protocol (concerning Northern Ireland's place in the UK internal market)⁴ as well as through Decision 1/2023 of the Joint Committee which, among other things, repealed the previous definition of goods 'at risk' (agreed between the UK and EU in 2020)⁵ and replaced it with one that is wider in scope.⁶

A potentially important aspect of the WF revisions regarding movement of goods GB–NI for environmental governance concerns the scope of application of EU laws to those same goods. Under the Windsor Framework, less onerous SPS rules and checks apply on 'retail goods' – defined as pre-packaged products of animal origin or plant origin (e.g., fresh meat, fresh vegetables), food and food contact goods (e.g., food packaging, cutlery, kitchen equipment), plants (other than for planting) and pet food as well as composite food products (e.g., readymade meals or sandwiches) – that are being moved into Northern Ireland from GB by

⁴ Under Article 1 of the JC Decision 1/2023, the following sentence will be added to Article 6(2) of the Protocol: "This includes specific arrangements for the movement of goods within the United Kingdom's internal market, consistent with Northern Ireland's position as part of the customs territory of the United Kingdom in accordance with this Protocol, where goods are destined for final consumption or final use in Northern Ireland and where the necessary safeguards are in place to protect the integrity of the Union's internal market and customs union."

⁵ JC Decision 4/2020

⁶ JC Decision 1/2023: section 2

authorised traders, subject to data-sharing and labelling requirements. For the purposes of this ‘retail goods’ aspect of the green lane, some 65 of the approximately 300 EU acts⁷ that otherwise apply, under Protocol/WF Article 5 and Annex 2, to goods being moved into Northern Ireland do not apply. Within those 65 EU acts which do not apply to ‘green lane’ retail goods – as Figure 3 indicates – are instruments regulating areas such as pesticides and biocides, animal diseases and zoonosis control, official controls and veterinary checks, and genetically modified organisms, all of which have (at least potential) implications for the environment and environmental policy in Northern Ireland.

Figure 3: Overview of EU Acts Not Applying/Applying to ‘Green Lane’ Retail Goods⁸

EU Acts <u>NOT</u> applying in Green Lane					
8	Goods – general provisions*	2	24	Pesticides, biocides	3
13	Measuring instruments*	1	29	Food – general*	2
20	Medicinal products*	2	30	Food – hygiene	3
21	Medical devices*	1	31	Food – ingredients/traces/marketing*	20
			32	Food contact material	2
			33	Food – other*	6
			34	Feed – products and hygiene*	4
EU Acts <u>STILL</u> applying in Green Lane					
1	General customs aspects	3	35	GMOs	4
2	Protection of EU financial interests	3	37	Animal disease/zoonosis control*	5
3	Trade statistics	1	43	Official controls, veterinary checks*	1
4	General trade related aspects	6	44	Sanitary and phytosanitary – Other	1
5	Trade defence instruments	7	45	Intellectual property*	4
6	Regulations on bilateral safeguards	18	46	Fisheries and aquaculture*	9
7	Others	1	29	Food: general*	2
8	Goods – general provisions*	6	31	Food: ingredients/traces/marketing*	3
9	Motor vehicles	11	33	Food – other *	1
10	Lifting & mechanical handling apps	2	34	Feed – products and hygiene *	1
11	Gas appliances	2	36	Live animals, germinal/animal products	5
12	Pressure vessels	4	37	Animal disease/zoonosis control*	5
			38	Animal identification	1
			39	Animal breeding	1
			40	Animal welfare	2
			41	Plant health	1
			42	Plant reproductive material*	12
			43	Official controls, veterinary checks*	2
			45	Intellectual property *	1
			46	Fisheries and aquaculture*	3
			47	Other	17
			25	Waste	5
			26	Environment, energy efficiency	20
			27	Marine equipment	1
			28	Rail transport	1
			22	Substances of human origin	3
			23	Chemicals and related	13
			21	Medical devices*	2
			16	Textiles, footwear	2
			17	Cosmetics, toys	2
			18	Recreational craft	1
			19	Explosives and pyrotechnic articles	3
			20	Medicinal products*	9
			15	Electrical and radio equipment	4
			14	Construction products, machinery, PPE	6
			13	Measuring instruments*	7

* Some EU acts also STILL/DO NOT apply in Green Lane

Notably, all of the approx. 300 EU acts listed in Annex 2 of the Protocol/WF will continue to apply to general goods production in Northern Ireland; this creates a risk of undercutting of NI producers and traders albeit one that is dually limited by the (relatively narrow) scope of the ‘retail goods’ green lane process and by the extent of UK(GB) divergence with relevant EU rules.

⁷ EU acts here refers to acts of secondary EU law so those regulations and directives listed in Annex 2 of the legal text of the Windsor Framework

⁸ Figure first published in D. Phinnemore and L. C. Whitten (2023) ‘The Windsor Framework: How Green is the Green Lane?’ (Available: <http://qpol.qub.ac.uk/the-windsor-framework-how-green-is-the-green-lane/>)

The Windsor Framework contained additional provisions regarding VAT and excise, as well as arrangements to address specific issues that had arisen since the Protocol entered into force; these include the supply of human medicines to Northern Ireland and the movement of pets between GB and NI.

Windsor Framework on Governance

The other significant area of change introduced by the Windsor Framework relates to its governance; more specifically to NI representation at or involvement with bodies and mechanisms established to oversee the implementation of the Protocol/WF. For our purposes, perhaps the most important of these new measures for NI input on the implementation of the Protocol/WF are those provisions that relate to the so-called 'Stormont Brake'.

Inserting a new paragraph 3a into Article 13(3) of the Protocol, the Stormont Brake procedure enables the UK to deviate from the otherwise automatic dynamic regulatory alignment of Northern Ireland with EU rules on standards of and trade in goods on the instruction of Members of the Legislative Assembly (MLAs). The relevant new provisions in the Protocol/WF specify criteria that must be reached before the Article 13(3)(a) Stormont Brake could be successfully applied; notwithstanding its conditionality, the possibility of such a brake being applied adds further complexity to the legislative and regulatory landscape of Northern Ireland, and on the island of Ireland, at least in theory. If triggered, the Article 13(3)(a) brake would, in effect, put Northern Ireland in a position of dual divergence with both the EU/Ireland (where the amended or replaced act would apply) and with the UK in respect of GB (where the relevant EU instrument no longer applies even in its non-updated form). Although the EU acts in potential scope of this aspect of the Stormont Brake solely relate to the regulation of goods, this includes products, items, and standards, that have direct and indirect implications for environmental policy and governance. By way of indicative demonstration, almost all of the policy areas listed in Figure 3 are in scope of this aspect of the Stormont Brake.⁹

In legislating for the implementation of the Stormont Brake procedure in domestic law, the UK government introduced an additional process whereby UK agreement to the addition of new EU acts to the Protocol/WF, via its Article 13(4), will now normally require the approval of MLAs in the form of an 'applicability motion' which must pass in the NI Assembly with cross-community consent. Similar to the Article 13(3)(a) process, if the Article 13(4) process is successfully employed to prevent the application of a new EU act, Northern Ireland may as a result end up in a position of dual regulatory divergence with both the UK and EU markets albeit limited to the extent of significance of the relevant proposed addition.

⁹ Excluded: protection of EU financial interests, trade statistics, general trade related aspects, trade defence instruments, regulations on bilateral safeguards; everything else is in scope.

Prospects for Coming UK-EU Change

The comparative cordiality of UK-EU relations since the conclusion of the Windsor Framework is very positive from the perspective of Northern Ireland and the island of Ireland as a whole. While its post-Brexit position as the touching point between the internal markets and regulatory orders of the UK and EU is not necessarily a comfortable one – the potential for Northern Ireland to benefit from it increases substantially when relations between the two parties are amenable and the specifics of the NI arrangements are agreed.

Looking ahead, the terms of the broader UK-EU relationship are set to be reviewed for the first time in 2025 under the terms of the Trade and Cooperation Agreement. The extent to which this TCA review amounts to, or results in, any fundamental change in the agreed arrangements between the two parties remains to be seen. From the NI perspective, any moves towards greater alignment and/or equivalence of standards between the UK as a whole and the EU, would be positive as they would decrease the extent to which NI is differentiated – in regulatory terms – from both Great Britain and Ireland.

Outside of the specifics of the EU-UK relationship, it is also the case that coming independent changes in the politics and policies of both polities are likely to shape the context for and conditions of environmental cooperation or coordination on the island of Ireland. Elections to the European Parliament are scheduled to take place in June 2024, a general election in the UK is due before the end of this year, and a general election in Ireland is likely to be held in early 2025. Outcomes from all three of these electoral events can be expected to determine not only the respective trajectories of environmental policy development in each administration but also – given the newly strategic position of Northern Ireland as a point of connection between the tripartite regulatory orders of the UK, EU as a whole, and Ireland in particular – the nature and scale of the challenge facing the island of Ireland when it comes to addressing pressing issues of environmental governance and climate change adaptation in the midst of legal complexity.

Why it matters?

Consensus for Managing Complexity: That the UK and EU reached agreement on outstanding issues concerning the implementation of the Protocol-come-Windsor Framework is among the most significant recent developments. Post-Brexit, the arrangements for the evolution and application of environmental policies on the island of Ireland are inherently complex; the ability to manage said arrangements will determine the degree of success and/or failure of efforts to address issues and improve outcomes. EU-UK disagreement, in this context, made the already difficult task of managing complexity all the more daunting; thus, the new UK-EU consensus reflected in the Windsor Framework is a welcome step in the direction of effective management of a still-challengingly complex post-Brexit setting for environmental cooperation.

Conclusion

Post-Brexit environmental cooperation and coordination on the island of Ireland is set to be a complex and contingent endeavour. In this light, some developments since the conclusion of the LIE report in May 2022 are positive. The conclusion of a new agreement between the UK and EU on the implementation of the Protocol/Windsor Framework set the necessary (but not wholly sufficient) foundation of political consensus and legal clarity on what laws apply and on what terms in/for Northern Ireland. The restoration of the institutions for devolved government in Stormont opened the door to the possibility of overdue statutory deadlines for the development of a series of environmentally significant plans and principles being (belatedly) met and the renewal of operations of 1998 Agreement institutions for cross-border cooperation. On the less optimistic front, UK-wide changes to the status of, and provisions for changing, laws that are the legacy of EU membership on the domestic statute, reaffirm the deregulatory trajectory of the post-Brexit UK and, contingent on the nature of implementation, could lead to significant divergence in the levels of environmental protection present in the jurisdictions on either side of the Ireland–Northern Ireland land border.