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# THE UK-EU RESET, THE ENVIRONMENT AND THE ISLAND OF IRELAND

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*This briefing paper provides an update on the so-called 'reset' of relations between the United Kingdom and the European Union and why it matters for: (i) Northern Ireland (ii) for the island of Ireland, and (iii) for the environment. It also provides an update on the implications of a recent legal ruling for environmental rights and protections in Northern Ireland and provides some examples of post-Brexit environmental divergence between Ireland and Northern Ireland.*

## **What is the UK-EU 'reset'?**

The UK-EU reset is **a strategic initiative launched by the UK government** aimed at establishing closer relations with the EU.

In the run up to the 2024 UK general election, the Labour Party [committed](#) to 'reset the relationship' between the UK and Europe if it won a majority.<sup>1</sup> After a landslide victory, the newly elected Labour government, under the leadership of Kier Starmer, launched an [initiative](#) to 'reset' UK-EU relations to establish a "closer, more cooperative relationship" with the EU while ensuring the UK did not join the EU Single Market or Customs Union, or participate in EU freedom of movement.<sup>2</sup> In substance, this 'reset' initiative involved a series of bilateral UK-EU engagements at different levels of seniority supported, on the UK side, by a cross-Whitehall effort to deliver on the UKG's EU agenda.

These 'reset' efforts were formalized at the **UK-EU Summit of May 2025**, the first joint summit since the UK's withdrawal. Together, UK Prime Minister Kier Starmer, European Commission President Ursula von der Leyen and European Council President António Costas [announced](#) a **new Strategic Partnership** between the UK and EU, a **new UK-EU Security and Defence Partnership** and, in this context, welcomed the conclusion of a renewed agenda for UK-EU cooperation based on an **agreed 'Common Understanding'**.<sup>3</sup>

What was agreed between the two sides in May 2025 is set out in three documents:

- [UK-EU Joint Statement](#)
- [UK-EU Security and Defence Partnership](#)
- [Common Understanding on a renewed agenda for UK-EU Cooperation](#)

Of the three documents, the Common Understanding is the most substantial in policy terms and the most relevant for our purposes. It sets out a range of commitments and affirmations under a series of headings and subheadings (see Table 1). Within which the UK and EU commit to 'work towards' concluding: a UK-EU Sanitary and Phytosanitary Agreement (**SPS Agreement**); an agreement linking the UK Emission Trading System and the EU Emission Trading System (**ETS Linkage Agreement**); and to 'explore' the possible participation of the UK in the EU internal electricity market via an agreement (**Electricity Participation Agreement**).

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<sup>1</sup> 'Change' Labour Party Manifesto 2024: 117.

<sup>2</sup> HM Government – Written Evidence (RES0042) 'UK Government Response to the European Affairs Committee's Call for Evidence'

<sup>3</sup> 'UK-EU Summit 2025 – Joint Statement, 19 May 2025' Available: [https://www.consilium.europa.eu/media/1ed1a1hi/eu-uk\\_joint-statement.pdf](https://www.consilium.europa.eu/media/1ed1a1hi/eu-uk_joint-statement.pdf)

**Table 1: Structure of UK-EU Common Understanding**

<b>II Security, Defence and Development Cooperation</b>
<i>Security and defence</i>
<i>Cooperation on maritime security and safety</i>
<i>Development and disaster cooperation</i>
<i>Health Security</i>
<b>III Putting people at the centre of the EU-UK relationship</b>
<b>IV Strengthening our economies while protecting our planet and its resources</b>
<i>Energy Cooperation</i>
<i>New Technologies</i>
<i>Sanitary and Phytosanitary Area</i>
<i>Linking UK-EU Emission Trading Systems</i>
<i>Provision of services through entry and temporary stay of natural persons for business purposes</i>
<i>Competition Cooperation</i>
<b>V Internal Security and Judicial Cooperation</b>
<i>Reinforced law enforcement and judicial cooperation in criminal matters</i>
<i>Judicial cooperation in civil and commercial matters</i>
<i>Cooperation in relation to drugs risks and threats</i>
<b>VI Irregular Migration</b>
<i>Upstream Migration</i>
<i>Working together on practical solutions and returns</i>
<i>Bolstering UK and EU border security through law enforcement cooperation</i>
<i>Addressing challenges and abuses of visa policy</i>

Negotiations between the UK and EU are still underway on the legal details of the proposed new agreements. While discussions are ongoing on all three, the SPS Agreement and the ETS Linkage Agreement are expected to be concluded in 2026 with implementation planned for mid-2027, there is currently no timeline for the implementation of an Electricity Partnership Agreement.

### **What does the UK-EU 'reset' mean for NORTHERN IRELAND?**

The UK-EU reset is **positive for Northern Ireland**. Presuming the proposed new UK-EU agreements are concluded and implemented, they will be **directly and particularly beneficial** in and for Northern Ireland.

Under the Windsor Framework, Northern Ireland continues to follow certain EU rules, primarily concerning the movement of goods. This allows NI goods to continue to be freely traded across the island of Ireland and throughout the EU market, but it requires certain checks and controls on goods moving into Northern Ireland from Great Britain. If the UK and EU conclude an **SPS Agreement** a significant proportion of checks and controls currently required on GB to NI trade will no longer be required because England, Scotland, and Wales will also be aligned with some (but not all) of the EU rules that apply in Northern Ireland under the Windsor Framework. This will significantly reduce costs for certain NI traders, those moving goods that are covered by the SPS Agreement - primarily agrifood goods - from GB to NI.

An **ETS Linkage Agreement** and **Electricity Participation Agreement** will also be good for Northern Ireland but, unlike an SPS Agreement, these two agreements are primarily beneficial because they are likely to stop additional trade barriers and costs arising rather than easing existing trade frictions. Linking the UK and EU Emissions Trading Systems is anticipated to negate the need for the EU's Carbon Border Adjustment Mechanism (CBAM) charges to be applied to Northern Ireland. Energy UK estimated that this will save up to £200 million in annual costs that would otherwise apply on goods traded between GB and NI. An agreement

for UK participation in EU internal electricity markets, together with ETS Linkage will also avoid a spike in the cost of electricity bills for NI consumers without which NI bills could increase by up to £130 million annually.<sup>4</sup>

## What does the UK-EU 'reset' mean for the ISLAND of IRELAND?

The UK-EU reset is **positive for the island of Ireland** but, based on commitments so far, will have **limited direct benefits** on North-South cooperation on the island of Ireland.

A renewed and improved UK-EU relationship is good for the island of Ireland because, in general, closer alignment between the whole of the EU and the whole of the UK can be expected to ease frictions between Ireland and Northern Ireland. At the same time, however, based on the commitments made so far, this 'reset' is unlikely to significantly change the current situation on the island of Ireland in relation to the level of cross-border alignment and divergence. As set out above, the **ETS Linkage Agreement** and **Electricity Participation Agreement** are likely to remove the need to introduce new costs on UK-EU trade due to the application of CBAM charges and they will also ensure the continued smooth functioning of the Single Electricity Market on the island of Ireland. While these impacts are beneficial, they do not go very far in addressing the extent of non-alignment or divergence in many areas of N-S cooperation that were, pre-Brexit, enabled and underpinned by EU laws that applied on both sides of the Irish land border.

The **SPS Agreement** will mean that the whole of the UK is aligned with Ireland and the rest of the EU in some key policy areas such as animal health and welfare, plant health, pesticides and biocidal products. However, because Northern Ireland is already aligned with the EU in these areas under the Windsor Framework, the situation on the island of Ireland will be largely unchanged as a result.

One of the provisions in the Windsor Framework – Article 11 – addresses north-south cooperation in 'other areas'. To date, this has been taken to mean cooperation beyond that which relates to cross-border trade in goods which is the focus of Articles 5 to 10 of the Windsor Framework. Article 11 requires the Windsor Framework to be 'implemented and applied so as to maintain the necessary conditions' for north-south cooperation in a range of listed areas including the environment as well as agriculture and inland fisheries. Moreover, under the provision, the UK-EU Joint Committee are obliged to 'keep under constant review' the extent to which conditions for north-south cooperation, as described in WF Article 11, are being maintained. In the context of the UK-EU 'reset' however there are reports of an emerging (new and more restrictive) interpretation of WF Article 11 that understands it to relate only to necessary conditions for north-south cooperation of the kind provided for in WF Articles 5 to 10 namely cross-border trade in goods. While this understanding seems to contradict the ordinary meaning of the legal text, if both the UK and EU agree on this more narrow interpretation, it makes it less likely that the Windsor Framework can serve as an avenue for securing the conditions necessary for current and future north-south cooperation, broadly understood.

## What does the UK-EU 'reset' mean for the ENVIRONMENT?

The UK-EU reset is **positive for the environment** but, based on commitments so far, will have **limited direct impact**.

Similar to its impact on the island of Ireland, based on current commitments, the UK-EU 'reset' is unlikely to have a significant direct effect on the environment and environmental governance. The alignment proposed in the three new UK-EU agreements is focused on enabling trade rather than aligning for the purpose of achieving shared policy goals, including on the environment.

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<sup>4</sup> Energy UK (2025) 'Borderline Confusion: Carbon Border Adjustment Mechanisms in Northern Ireland' <https://www.energy-uk.org.uk/publications/borderline-confusion-carbon-border-adjustment-mechanisms-in-northern-ireland/>

Presuming the three new UK-EU agreements are concluded and take effect, **the UK will still not be aligned with the majority of EU environmental laws.** Instead, the environmental standards of the UK and EU will continue to be governed in line with the [non-regression provision](#) in the Trade and Cooperation Agreement whereby neither party can lower their environmental and climate protections below levels in place at the end of 2020 in a manner affecting trade and investment.

While the impact of the UK-EU 'reset' is unlikely to change the level of environment protections and regulation in the UK based on current commitments, this does not rule out the possibility of further action being taken on the environment under the auspices of the 'reset' in future.

## **What does the *Dillon* judgment mean for the ENVIRONMENT and RIGHTS?**

On 7 May 2026, the UK Supreme Court handed down its judgment [In the matter of an application by Martina Dillon, John McEvoy, Brigid Hughes and Lynda McManus for Judicial Review](#) (hereafter the *Dillon* case). This case concerns the controversial Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 - the previous Conservative UK Government's chosen instrument to deal with ongoing inquests and litigation relating to the NI conflict - and its interaction with Article 2 of the Windsor Framework which concerns 'the rights of individuals' in Northern Ireland after Brexit.

*Dillon* is a complex case. Much of the specifics are not relevant to the environment or environmental rights, however, the UKSC approach to WF Article 2 has implications for general rights and protections available in Northern Ireland, including those that related to the environment. In contrast to earlier rulings from Northern Ireland High Court and Court of Appeal in the same case, the UKSC in *Dillon* adopted a restrictive approach to WF Article 2 such that it is unlikely to be able to be relied upon in future cases that concern environmental rights and protections specifically.

WF Article 2 para. 1 states:

The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.

This provision thus establishes a relationship between rights set out in the 1998 Agreement and those established in EU law prior to the UK's withdrawal and introduces a 'no diminution' guarantee. Earlier [research](#) into the scope of WF Article 2 concluded that, because the 1998 Agreement establishes an extensive range of rights and safeguards, including in the context of environmental protection, WF Article 2 could also apply to a potentially extensive range of rights and safeguards including those related to the environment. While this research embraced a purposive approach to WF Article 2, the UKSC in *Dillon* did not. Instead, the court adopted a restrictive approach and one that is likely to severely constrain the scope of protections provided by WF Article 2 including in the area of the environment.

## **Has there been divergence in environmental law since BREXIT?**

Since the UK left the EU, a series of changes have been made in EU environmental law. This has important implications for environmental governance on the island of Ireland. While Northern Ireland is required to follow updates to those EU laws that apply under the Windsor Framework, these primarily concern trade in

goods, not the environment. This means that any changes in EU environmental laws can be expected to apply in Ireland but not in Northern Ireland and will therefore introduce new divergence on the island of Ireland.<sup>5</sup>

Below are two examples of changes in EU environmental law that have taken place since the UK left the EU and which therefore introduce divergence between Ireland and Northern Ireland.

**URBAN WASTEWATER TREATMENT DIRECTIVE** → On 1 January 2025 the [revised EU Urban Wastewater Treatment Directive](#) came into effect in the EU, including Ireland, but not in Northern Ireland where the original EU Urban Wastewater Treatment Directive continues to apply, now as assimilated (rather than EU) law. This means that there is divergence in the regulation of wastewater across the two jurisdictions on the island of Ireland. The revised UWWT Directive is stricter than the original. It requires EU member states to collect and treat wastewater in all urban centres with more than 1000 people, this is reduced from the previous 2000-person threshold in the original UWWT Directive. It also imposes new responsibilities on companies that produce certain pollutants under the 'pollutant pays principle' as well as introducing new obligations regarding systemic monitoring for microplastics and 'forever chemicals' (called PFASs) at treatment plants. The requirements of the revised UWWT Directive will be implemented gradually with new obligations taking effect between 2025 and 2045.

Under the current legal requirements, there is a risk that improvement in water quality in Northern Ireland will lag behind as Ireland implements the revised UWWT Directive over the next two decades.

**NATURE RESTORATION** → On 18 August 2024 the [new EU Nature Restoration Regulation](#) took effect in the EU, including Ireland, but not in Northern Ireland. The overarching aim of the NR Regulation is to put in place restoration measures covering at least 20% of the EU's land and 20% of sea areas by 2030, and all ecosystems in need of restoration by 2050. To that end the NR Regulation sets quantitative and time-bound restoration targets specific to: terrestrial, coastal and freshwater habitats; marine habitats; urban ecosystems; river connectivity and floodplains; pollinators; agricultural ecosystems; and forest ecosystems. EU member states are also obliged to submit a national restoration plan to the European Commission which demonstrates how its restoration targets will be delivered.

Under the current legal requirements, as Ireland implements the NR Regulation, there is a risk that Northern Ireland lags behind in terms of nature restoration due to lack of comparative legal framework for ensuring efforts are made to protect and restore nature.

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<sup>5</sup> For additional analysis on post-Brexit divergence, see EJNI's briefing paper [Monitoring post-Brexit environmental divergence on the island of Ireland: The role of civil society](#). In 2025, the UK Office of Environmental Protection commissioned EJNI, Miller Research, and the Institute for European Environmental Policy to undertake research into how regulatory divergence could affect nutrient management and the protection of shared ecosystems. The report, [Review of divergence in environmental regulation in Northern Ireland relating to nutrient management](#), reviewed historical and current regulations, assessed nutrient management policies, and explored future scenarios. A "Divergence Register" was also developed to track and categorize differences across key domains.