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UK

Environmental Policy

Latest News Under the Environmental Permitting (EP) Regime: Consultation on Best Available Techniques (BAT) for Specific Sectors.

On 19 March 2026, the UK government, acting for England, together with the Scottish and Welsh governments and the Northern Ireland Executive launched a consultation on BAT for four specific sectors within the environmental permitting regime for industrial emissions. The consultation, that closes on the 14 May 2026, forms part of a wider modernisation of the environmental permitting regime post-Brexit.

After Brexit, each administration had the power to define BAT Conclusions (BATC), but the four administrations have agreed on developing an UK-wide approach to BAT. The result of this consultation will therefore apply to the whole UK.

The aim of the consultation is to prevent or reduce industrial emissions to air, water and land, as well as reduce their impacts on the environment. These BAT include the type of technologies used by industrial facilities but also how there are designed, built, maintained, operated and decommissioned.

The consultation seeks views on proposed UK BAT, interpretation guidance, BAT Associated Emission Limits (BAT-AELs) and Environmental Performance Levels (BAT-AEPLs) for four industry sectors:

- Ferrous metals processing (forming)
- Ferrous metals processing (galvanising)
- Textiles
- Common waste gas management and treatment in the chemicals industry

There are proposed new emissions limit ranges, and the consultations seeks views on whether those limits are technically achievable and whether they are proportionate in cost terms.

As for the environmental performance levels, these go beyond emissions and include energy efficiency, water usage, waste generation and resource efficiency.

This consultation has direct implications for permit conditions, the closure of permitted sites, compliance cost and enforcement risk. It will be particularly relevant to manufacturers, plant operators and industry representative groups within the affected sectors.

The Ecocide Bill in Scotland

Ecocide is defined in the Ecocide Bill (The Bill) as causing "severe environmental harm" that is either intentional or reckless. In the Bill, "severe" is defined as harm that has "serious adverse effects", and is either "widespread" or "long-term". With this Bill currently at stage two in Scottish Parliament, Scottish MPs are debating whether ecocide should be treated as a serious criminal offence by introducing a 20-year jail term for major polluters, and unlimited fines for organisations. It introduces corporate liability as when an employee commits ecocide, the employer may also be convicted of the offence. Defences for employers include proving they didn't know about the employee actions, or proving they had taken reasonable precautions to prevent any employee committing ecocide. The Bill also introduces a "defence of necessity", that allows a person charged with ecocide to demonstrate that their behaviour prevented a greater harm and that it was necessary and reasonable.

When quantifying the level of fines, the courts will consider the financial benefit arising from the offence, as well as imposing any cost of reparation or mitigation of the effects of the harm caused to the environment.

While the Bill in Scotland is the first in the UK, the EU passed similar legislation through the EU Environmental Crime Directive, which is in force since 2024, and covers acts that cause severe destruction to ecosystems, habitats, air, water or soil quality. It includes penalties of up to eight years in prison for severe environmental crimes, that could increase to 10 years in case of death. Similar to the Scottish Bill, the EU Directive requires intention or in certain cases, at least serious negligence in the unlawful conduct to constitute criminal offence. European countries have until May 2026 to transpose this directive into their national law, and members states can adopt or maintain stricter rules.

Currently being debated at stage two, where Scottish MPs can suggest amendments, the Bill will then move to stage three before being eventually enacted as an Act. The Scottish Parliament election is due to be held in May 2026, and the aim is to pass this Bill before the election. If adopted, individuals as well as organisation should put specific measures in place to avoid being found guilty of ecocide in Scotland.

UK Environment Agency Updated Guidance on Odour Management

On 3 December 2025, the Environment Agency (EA) published guidance titled "Odour Management: Comply With Your Environmental Permit" (Guidance) setting out what operators must do to manage odour when they apply for, vary or hold an environmental permit.

In a recent article, we analysed the six main areas in the new guidance, which are:

1. Definition of odour pollution
2. Permit conditions for odour management
3. Appropriate measures for odour management
4. Assessing odorous emissions
5. Assessing the impact of odour
6. Writing an odour management plan

For further information about this Guidance and the separated guidance related to risk assessment for your environmental permit, please read our article.

EU-UK Dynamic Alignment – The EU Sanitary and Phytosanitary (SPS) Legislation

The UK government has announced that it will align with the EU's Sanitary and Phytosanitary (SPS) legislation from mid-2027, following trade negotiations. Various legislative instruments will come under the scope of the agreement, including legislation relating to food and feed safety, food supplements, fortified foods, nutrition and health claims and nutrition labelling.

Pesticide and biocide regulations, including around matters such as maximum residue levels and authorisation of active substances, will also come within the scope of the new SPS agreement (which commentators view as significant, because of current divergence between the EU and Great Britain (GB) – and not entirely expected).

The agenda for the Food Standards Agency (FSA)'s March board meeting included an update on how the FSA is preparing for a UK-EU SPS agreement. The report notes that the proposed timeline is "ambitious", and will require both the FSA and industry to "move at pace to be ready". It also recognises that the practical implications of an SPS agreement will involve changes across several areas, including "future legislative alignment, approaches to managing incidents, the way in which certain border processes operate and how market authorisations are handled".

It will be particularly interesting to monitor "market authorisations", which essentially means applications to authorise products such as additives, flavourings, food contact materials, genetically modified organisms (GMOs), precision bred organisms and novel foods, among others. Of course, such applications in the UK post-Brexit have needed to be made to the FSA, rather than the European Food Standards Agency (EFSA), and it is not clear how an authorisation by the UK authority will translate to the EU market, although the "common understanding" between the European Commission and the UK notes that each party "will respect each other's decision-making autonomy".

Those UK businesses that already export to one or more EU countries will be well-placed ahead of the changes, because their products already need to meet EU requirements to be lawfully marketed in those countries. EU businesses who supply to GB will likely welcome this news, as it will avoid the need to consider any potential divergence. However, those who only supply to domestic markets in GB may need to adapt processes, update supply chains, amend labels or, in some cases, reformulate products (bearing in mind that certain substances have been prohibited or restricted in the EU post-Brexit, such as titanium dioxide).

The government is conducting a "call for evidence" to understand business impacts, which closes on 23 April. Potentially affected businesses can share their views through a link on DEFRA's overview of the reasons for the changes.

Chemicals Updates

Latest News on Chemicals in the UK

Product stewardship teams and other regulatory professionals will know that there were significant developments across several chemical regimes in GB this quarter.

Firstly, in February, the HSE published a response to consultation on changing the assimilated chemicals regulation regimes for biocidal products, prior informed consent and classification, labelling and packaging in GB. Draft regulations amending these regimes were subsequently laid before Parliament along with a draft explanatory memorandum stressing the "greater flexibility" provided by these amendments.

On the UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) front, there were three significant developments this quarter. Regulations were laid at the beginning of March (coming into effect on 1 April) introducing the first restriction under UK REACH after years of consultations. These relate to lead in ammunition (subject to specified exemptions and derogations). Secondly, at the end of March, Defra published its response to its consultation on the alternative transitional registration model (ATRm) (that we reported on previously). The response sets out a new "streamlined approach" to transitional registration for chemical substances in GB, which some commentators say will reduce the amount of information needed to register substances. Defra attributes this approach to its commitment to minimising complexity and trade barriers. Finally, Defra set out its new approach to substances of very high concern (SVHC) indicating that it will consider alignment with the EU REACH candidate list (as amended since the end of the Brexit transition period), again with the aim of lowering complexity for multinationals and providing certainty for the chemicals industry.

Defra is consulting until 13 May 2026 on amendments to the assimilated Persistent Organic Pollutants Regulation (GB POPs Regulation) that would add five substances to the list of prohibited persistent organic pollutants (POPS). These include the flame retardant dechlorane plus and the filter UV-328, which were temporarily added to Annex I of the GB POPs Regulation in 2025, before this was swiftly reversed following comments from the medical industry. Many businesses will already be navigating compliance with restrictions of these substances in the EU, which is also a party to the Stockholm Convention, and may therefore want to feed in their experience to Defra. This consultation "provides an opportunity for respondents to share evidence regarding related amendments adopted or proposed by the EU, including their potential suitability for GB and any implications for the functioning of the UK internal market".

Waste

Tackling Waste Offences

The UK government, working alongside the Scottish government, Welsh government and the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland, has committed to tackling waste crime and addressing the operation of poorly performing waste sites.

Examples of waste crime include illegal dumping of waste, illegally shipping waste abroad, deliberate misdescription of waste to avoid landfill tax and operating illegal waste sites.

Waste crime and inadequate site management are widely recognised as having significant adverse impacts on the economy and the environment. It harms the environment, blights local communities and undermines the competitiveness of legitimate waste businesses. Waste crime is estimated to cost the UK economy around £1 billion each year. In England alone, the EA estimates that approximately 34 million tonnes of waste are illegally managed annually.

The Waste Crime Action Plan sets out the government's strategy for tackling illegal waste activity. It is structured around three core objectives:

Prevent – Establish the appropriate regulatory conditions and promote early intervention to deter, disrupt and stop illegal waste activity before it emerges or escalates.

Enforce – Strengthen intelligence and enforcement capabilities to improve the identification of waste crime, increase prosecution rates and ensure offenders receive penalties of appropriate severity.

Remediate – Support landowners in clearing and remediating illegal waste sites and directly address the most serious sites posing immediate harm to local communities and the environment.

The EA's enforcement funding will substantially increase with commentators estimating that their budget will increase by £45 million over the next three years. This budget will cover the establishment of a new EA unit, the Operational Waste Intelligence and Analysis Unit to bring together the use of new waste technology and data. Investment will be made in drone, satellite and artificial intelligence (AI) to provide more accurate evidence of waste crime and increased manpower. Some drones will be fitted with light detection and ranging technology to help create more detailed maps of illegal sites.

As part of its wider waste crime strategy, the government is introducing mandatory digital waste tracking across the UK. The Digital Waste Tracking Service is intended to modernise how waste movements are recorded and monitored, improving transparency, traceability and regulatory oversight.

By providing the EA with access to consistent, high-quality data across the entire waste chain, the digital waste tracking system will strengthen intelligence-led regulation. Enhanced visibility will enable the agency to detect unusual activity, identify high-risk operators and intervene at an earlier stage, supporting more targeted regulatory action and reducing reliance on reactive investigations.

Operational procedures should be reviewed and updated to reflect digital tracking requirements, including:

- Waste acceptance and dispatch workflows
- Record-keeping and verification processes
- Escalation procedures for incomplete or inconsistent data

Relevant staff should be trained in using the service and understanding the compliance implications of inaccurate or missing data.

Under the current timeline, mandatory digital tracking for permit or licence holders receiving waste will apply:

- From October 2026 in England, Wales and Northern Ireland
- From January 2027 in Scotland

The Digital Waste Tracking Service will be introduced in two phases.

Phase One-Waste Receiving Sites – Will focus on waste receiving sites, which will be required to record details of all waste accepted through the service. This includes waste containing POPs.

In England and Northern Ireland, Household Waste Recycling Centre (HWRC) operators will be required to record commercial waste received at permitted sites. Equivalent requirements for Scotland and Wales are expected to follow in a subsequent phase.

Phase Two- Waste Collectors – It will extend mandatory reporting obligations to waste collectors, including carriers, brokers and dealers. This phase is currently planned to commence in autumn 2026, significantly expanding coverage across the wider waste supply chain.

Tackling Waste Offences continued

Registration with the Digital Waste Tracking Service will require payment of an annual fee of £26, providing 12 months of rolling access. Charges will only be introduced once use of the system becomes mandatory.

Registration will be required for any legal entity that creates or edits records on the service, ensuring accountability, traceability and auditability of waste movements.

The government has emphasised its intention to engage closely with industry stakeholders throughout development and rollout of the service. Interested parties are able to apply to voluntarily test the report-receipt-of-waste functionality ahead of mandatory implementation. Readers can apply to voluntarily test the report receipt of waste service. Early engagement may help identify practical challenges and reduce compliance risk ahead of mandatory implementation.

In parallel with regulatory reform, the government is strengthening enforcement capability by granting EA officers police-style powers under the Police and Criminal Evidence Act (PACE) and the Proceeds of Crime Act 2002 (POCA).

These expanded powers are intended to improve the investigation and prosecution of serious waste crime, ensuring that those who break the law face penalties reflecting the real harm caused to communities and the environment. Under new legislation, waste criminals convicted of illegal waste transport or disposal may face custodial sentences of up to five years' imprisonment.

The government is also exploring mechanisms to enable enforcement bodies to share relevant intelligence with banks and finance providers, allowing them to make informed decisions about ongoing commercial relationships with individuals or businesses involved in waste criminality.

In light of enhanced EA enforcement powers, operators should:

- Review compliance history and regulatory risk exposure
- Ensure permitting, registrations and waste transfer practices are fully up to date
- Consider whether internal audit or compliance assurance measures should be strengthened

Improved intelligence-led enforcement means inaccuracies, or anomalous patterns may be identified more quickly.

Latest Updates Regarding Extended Producer Responsibility for Packaging

1. How to Deal with Extended Producer Responsibility for Packaging (pEPR) Upon Mergers and Transfers of Ownership

On 10 February 2026, Defra published further a guidance on how to deal with pEPR obligations when there is a merger, or a transfer of ownership of a brand or business. This guidance clarifies how producer obligations are reallocated and preserved when corporate structures change. It ensures continuity of liability and prevents avoidance of extended producer responsibility (EPR) obligations through restructuring.

In both cases, the central principle is that pEPR obligations follow the economic activity (packaging placed on the market), not the legal entity alone.

Where companies merge, the new entity assumes responsibility for all packaging supplied by the merging companies (both pre- and post-merger). If any merging entity was a large producer, the new entity is treated as a large producer (at least temporarily). The new entity must register for pEPR within the deadlines and retain all relevant compliance records, including recycling evidence like PRNs or packaging export recycling notes (PERNs). It will also inherit liabilities, including unpaid fees from previous years.

Where a business, part of a business or a brand is transferred, the new owner must notify the regulator within 28 days and register (or re-register) for pEPR. For up to three years, the new owner's status as a large or small producer is assessed using combined turnover and packaging tonnage of both parties. Where only part of a business is transferred, the calculation is done on a proportionate basis.

In all cases, responsibility for packaging supplied under the transferred brand/business moves to the new owner, including any recycling obligations.

With this guidance, Defra wants to reinforce the "polluter pays" principle embedded in EPR for corporate transactions by creating due diligence implications for mergers and acquisitions, particularly regarding historic packaging liabilities.

Any company using packaging must have regard to this guidance when carrying out due diligence in corporate transactions, and have in mind that EPR compliance should now be treated as a core environmental liability risk.

2. Year One Extended Producer Responsibility for Packaging Fees Update

On 24 February 2026, PackUK (the scheme administrator under the Producer Responsibility Packaging and Packaging Waste Regulations (pEPR Regulations) released an update to confirm that there will be no change to disposal fees for year one pEPR Regulations.

As a result of substantial resubmissions of packaging data in the first year by producers, PackUK identified a shortfall in the funding originally calculated for year one. This is addressed in the pEPR Regulations, and in normal circumstances, would result in a recalculation of producer per tonnage fees. To address the shortfall, the UK government has agreed to a one-time intervention to ensure local authorities across the UK receive the full level of funding and acknowledges the significant changes of packaging EPR and businesses familiarising themselves with new requirements.

Latest Updates Regarding Extended Producer Responsibility for Packaging continued

3. Reforming the Packing Waste Recycling Notes (PRN) System.

On 24 Mar 2026, Defra launched a consultation to reform the PRN system and packaging export recycling note (PERN) system, which are the ways for producers to prove they have met their recycling obligation. The consultation closes on 5 May 2026, and the resulting policy will apply to the UK as a whole.

The proposed reform aims to tackle the viability of operations including potential fraud and error in the PRN system from the oversupply of evidence of recycling resulting in the lowering PRN/PERN costs. Proposed measures include further guidance to ensure that all accredited operators are issuing evidence based on the recyclable packaging content, time limits on the use of national protocols and agency agreed industry grades, data transparency measures, legal means for compliance and cancel illegitimately issued PRNs and PERNs.

This consultation follows reforms to the PRN system that was introduced from 1 January 2026, including a new fit and proper person test, increased regulatory charges, more frequent and detailed reporting requirements from reprocessors and exporters, as well as new provisions relating to the "recyclable proportion" of waste.

There is further consideration for an additional consultation to propose minimum material sorting standards and material specific domestic reprocessing targets to support increased domestic recycling of plastic and glass.

Business involved in the design, production and specification of packaging, as well as product manufacturer using packaging for their products would be interested in the outcome of this consultation.

4. Welsh Government Consults on the Inclusion of On-the-Go Packaging Waste for Extended Producer responsibility for packaging (pEPR)

On 30 January 2026, the Welsh government opened a consultation to seek feedback on proposed amendments to pEPR Regulations to cover street binned and littered packaging. The consultation closes on 24 April 2026.

The proposed reform aims to include the cost of dealing with ground litter and emptying public bins, an activity that is currently being paid for mostly by local authorities. The proposed reform aims to manage all packaging waste in line with the "polluter pays" principle.

Stakeholder input during the consultation can play a relevant role in helping the Welsh government in providing feedback on how to calculate producer fees for producers of littered packaging, how to allocate payments to local authorities and whether litter management payments should be made available to other organisations that manage litter.

Waste Separation Requirements (Wales) (Amendment) Regulations 2026 Published

The Waste Separation Requirements (Wales) (Amendment) Regulations 2026 (2026 Amendment) came into force on 6 April 2026, and amends the Waste Separation Requirements (Wales) Regulations 2023.

Notable provisions of the 2026 Amendment include:

- Removal of "unsold" in the definition of recyclable waste streams for small waste electrical and electronic equipment (sWEEE)
- Removal of "expanded polypropylene" plastic packaging from the "Plastic" sub-fractions list

Prior to the 2026 Amendment, the separation of sWEEE only related to unsold sWEEE. As a result of the 2026 Amendment, there is a statutory duty on occupiers of non-domestic premises in Wales to separate their sWEEE from all other waste streams, whether sold or unsold. These include any sWEEE that is considered as small household appliance, such as kitchen appliances like kettles and microwave ovens. This will capture all businesses, charities and public sector organisations and require separation of all sWEEE. This will add a corresponding obligation on waste collectors to ensure all sWEEE is collected separately from other materials before it is sent for onward recycling.

The latest amendments remove the hospital exemption, which means that both the National Health Service (NHS) and private hospitals will need to comply with the regulations.

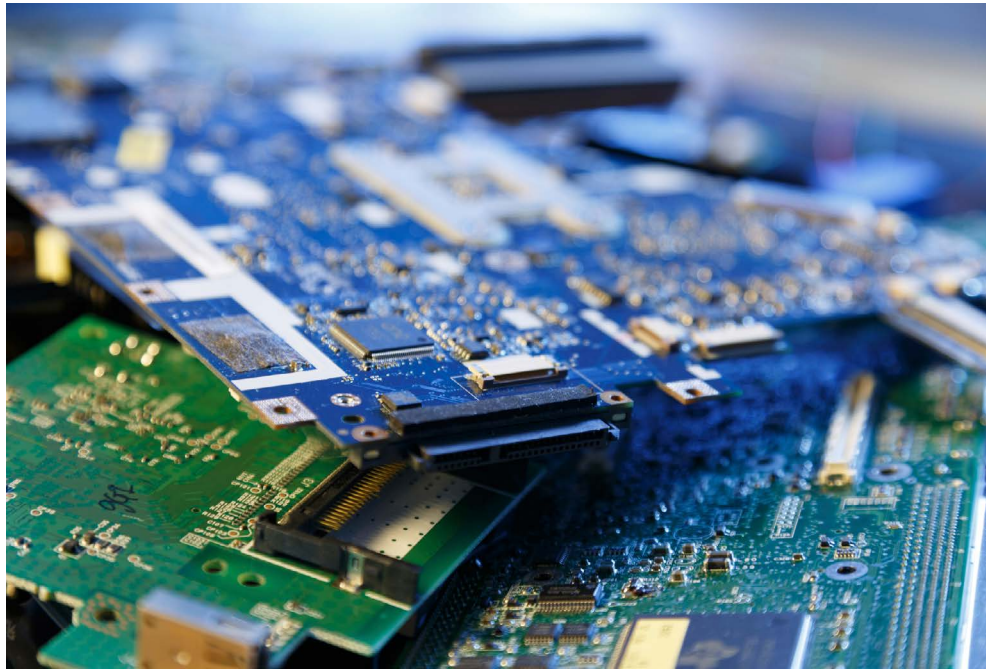
With this new amendment, waste producers may incur transitional costs related to modifying internal procedures, implementing and organising a new bin and collection system and additional training and awareness.

Guidance on Waste Electrical and Electronic Equipment (WEEE) Evidence

The guidance sets out how approved treatment facilities (AATFs) and approved exporters (AEs) must issue proof in the form of evidence notes for the treatment, reuse, recovery and recycling of WEEE. It explains that evidence can only be issued when WEEE is received through a producer compliance scheme (PCS), and only on "obligated" WEEE. A recent update of the guidance has introduced requirements that should be included in contracts or agreements between the AATF and PCS, such as specifying the source of the WEEE, the WEEE categories being collected and tonnage when appropriate.

The guidance is also looking to clarify how ATFs and PCSs can ensure evidence notes are compliant and provides scenarios to help implement better practices.

It has also been updated to include the withdrawal of the best available treatment recovery and recycling techniques (BATRRT) guidance, and to specify that ATFs must treat WEEE in line with the WEEE: appropriate measures for permitted facilities guidance, which explain the appropriate measures and standards that these facilities needs to implement to carry out properly their waste treatment obligations.



Water

"A New Vision for Water" – Defra's White Paper and Other January 2026 Developments

There has been a lot of development in the water sector this year. Defra has published the Water White Paper, "A New Vision for Water". The most notable proposal was the establishment of a new integrated water regulator, which seeks to consolidate certain water-related roles historically played by the EA, Natural England, Water Services Regulation Authority (Ofwat) and the Drinking Water Inspectorate into one integrated water regulator.

We also saw the release of Defra's guidance on the Mandatory Pollution Incident Reduction Plans for Water Companies, Defra's Environmental Improvement Plan and the Office for Environmental Protection issued information notices to Defra and the EA for suspected failures to comply with the Water Framework Directive Regulations.

For further information on these updates, read our blog post.

Latest News on Flood Regulation and Judicial Developments

On 17 March 2026, the EA announced a three-year investment programme of £4.2 billion in its commitment to reduce flood risk and increase resilience against coastal erosion. This will cover the period April 2026 to March 2029, and is part of wider updates to its flood and coastal erosion risk management (FCERM) schemes put in place to protect homes and non-residential properties at risk of flooding due to environmental changes caused by global warming.

This programme ties in with wider policy developments intended to combat the increasing risk to communities posed by flooding, such as the UK government's longer-term commitment of £7.9 billion over 10 years to flood defence infrastructure.

Despite this, recent judicial decisions have highlighted that public bodies like the EA and Natural Resources Wales (NRW) have only permissive powers, not legal duties, to maintain flood defences.

The High Court in *R (Williams and another) v Natural Resources Wales [2026] EWHC 9 (Admin)* dismissed a judicial review challenge brought by landowners against NRW following their decision to stop maintaining the Tan Lan Embankment flood defence on the Afon Conwy. NRW made this decision having undertaken studies that concluded that the embankment provided a very low level of protection and was not viable to maintain under national policy.

The claimants argued that NRW:

1. Should also have exercised its powers as an internal drainage board (IDB) under the Land Drainage Act 1991
2. Ignored relevant matters and considered irrelevant matters
3. Violated their property rights under Article 1 of the First Protocol (A1P1) of the European Convention on Human Rights (ECHR)
4. Failed to give adequate reasons for its decision

The challenge was rejected on the first and second grounds, and the court refused permission on the third and fourth grounds. This emphasised the position that landowners have no legal entitlement to be safeguarded from flooding and that public bodies' decisions to withdraw maintenance based on viability studies, such as high repair costs or low protection standards, are valid.

Despite the promising news of the EA's recent flood defence investment commitment, this decision acts as a reminder to landowners and developers in high-risk areas that they cannot rely on historical maintenance of flood protection measures and may need to be prepared to seek alternative means of flood resilience.

Climate Change and Sustainability Reporting

UK Carbon Border Adjustment Mechanism (UK CBAM) Update

The UK CBAM is a carbon pricing mechanism that will apply to certain imported goods to ensure that imported carbon-intensive products bear a comparable carbon cost to goods produced domestically, which would prevent the offshoring of emissions. It applies to some high emissions sectors, including aluminium, cement, iron and steel.

The Finance Act 2026 has introduced the CBAM, which is due to commence on 1 January 2027, and will be developed by secondary legislation. As UK CBAM is a new tax, HM Revenue and Customs (HMRC) has been granted powers to develop and enforce it, and has to that end published a policy summary and a consultation for three of drafts regulations that will also come into effect on 1 January 2027. HMRC is currently analysing the responses to the consultation.

The draft secondary legislations relate to the administration of the tax, and include requirements concerning the registration for the regime, record keeping or calculation of the CBAM goods weight. The final set of secondary legislation is due to be lay in Parliament towards the end of the year.

UK CBAM is directly linked to the UK Emissions Trading Scheme (UK ETS) as the CBAM charge is designed to mirror the carbon price faced by domestic producers under the UK ETS. Importers will then pay a carbon price equivalent to that paid by UK manufacturers but will be specific for each sector in scope of the UK CBAM. The specific price by sector will be based on an adjustment of the free allowance.

The UK ETS has been amended by the Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026 to introduce this interaction between the UK CBAM and free allowances, and it is timed to align with CBAM. Free allowances under the UK ETS are phased out for sectors covered by CBAM over the 2027-2030 period.

UK ETS and UK CBAM regimes will work together to ensure that UK producers pay for emissions under the ETS, and that foreign producers exporting to the UK face a comparable cost at the border.

UK CBAM will be of interest to importers of aluminium, cement, fertilisers, hydrogen, iron and steel into the UK, as well as downstream producers that use these goods in their supply chains.

Corporate Reporting and Due Diligence Entering a New Era in the EU

After the conclusion of lengthy EU-level negotiations, Directive (EU) 2026/470 was published in the Official Journal of the EU on 26 February 2026. The new Directive is narrowing down the scope of both the Corporate Sustainability Reporting Directive (CSRD) and the Corporate Sustainability Due Diligence Directive (CSDDD).

More specifically:

- Due diligence requirements in the CSDD apply to companies exceeding both 5,000 employees and €1.5 billion net turnover, including certain franchising arrangements and third-country companies meeting specific EU turnover thresholds.
- Sustainability reporting requirements under the CSRD, companies exceeding both 1,000 employees (on average during the financial year) and €450 million net turnover would be eligible to comply with the rules.

Next steps:

- The directive amending the CSRD and CSDD entered into force on 18 March 2026.
- The obligations stemming from the CSRD will start applying from 19 March 2027, the transposition deadline for member states.
- The CSDDD transposition deadline is set for 26 July 2028. However, companies in scope will only need to comply with the rules by July 2029.

For further details, please read our Sustainability in Business blog.

UK Sustainability Standards – Voluntary for How Long?

Many global clients had been preparing for sustainability reporting in the EU. However, there is a new, and much more internationally recognised set of sustainability reporting standards for companies in the UK: the UK Sustainability Reporting Standard (SRS) S1 (General requirements for disclosure of sustainability -related financial information) and the UK Sustainability Reporting Standards (SRs) S2 (Climate Related Disclosures). These standards were published on the 25 February 2026, and are based on the International Sustainability Standards Board (ISSB) standards, which have adopted by over 30 countries.

Implementation of these standards is phased, and although we are told they are of voluntary application, the Financial Conduct Authority (FCA) is consulting on amendments to listing rules, making the UK SRSs mandatory for entities listed in the UK from 1 January 2027. We also expect the government to consult later this year on the mandatory application of these standards to large companies and pension funds.

The UK SRSs are much simpler than the EU Sustainability Standards, and more focused on investor impact – what do investors and those that make decisions for a company in the short, medium and long term need to know. They are sector agnostic and therefore of general application to all business.

Sustainability standards mandate how disclosures are to be made in the annual accounts of a company. Understating the UK SRSs, and benchmarking against current disclosures, is a step that businesses who are already have sustainability reporting obligations should not delay in undertaking.

The UK government has taken a soft route to establishing a baseline for sustainability reporting, compared to the EU's approach of mandating legislation. There are clear benefits to the UK's approach; companies can prepare in advance of being mandated to report, there is time to understand how these standards replicate or cross over with other reporting requirements such as Streamlined Energy and Carbon Reporting (SECR) and Energy Saving Opportunities Scheme (ESOS), as well as Task Force on Climate-related Financial Disclosures (TCFD) reporting, which UK SRS 2 on climate change will replace.

Given that directors will have to provide an explicit and unreserved statement of compliance with these standards, we are likely to see an increase in due diligence of sustainability impacts integrated into financial data. Greater disclosures about a company's sustainability impacts, will mean greater scrutiny on the environmental, social and governance (ESG) risks and opportunities of companies, have an impact of the duties of directors under company law, and can have the potential ESG litigation. Now is the right time to start ensuring that sustainability disclosures work in favour of the resilience of businesses and not against it.

Green Claims

Competition and Markets Authority (CMA) Guidance on Green Claims

The CMA has issued updated guidance to help businesses make accurate and lawful environmental "green" claims across supply chains. This document supplements the Green Claims Code, which exists to assist compliance with consumer protection law when making "green" claims, and clarifies where responsibility lies when multiple businesses contribute to a product or service via its supply chain.

Fundamentally, the guidance highlights that all parties within the supply chain are liable for any green claims made on the product or service by those preceding them. For example, if a manufacturer labels a product as environmentally friendly, which is false or misleading, the manufacturer and the retailer that stocks the product may be liable for breaching consumer protection law.

What Does "Making" an Environmental Claim Mean?

"Making" a green claim can come in many forms, such as:

- What a business says on its website, marketing or branding about the environmental features of a product or service
- What a business says on a product, or on packaging about its environmental features
- How a business presents information, such as the use of "green" logos
- What a business does not say, such as excluding information that a consumer needs to make an informed decision (for example, omitting the disposal method required for any advertised environmental benefit of the product to be realised)

Liability Across the Supply Chain

The guidance confirms that:

- All green claims must be verified and backed up by evidence
- Claims may be classed as misleading, even if there is no intention to make a false statement

The CMA's Approach to 'Green' Claim Enforcement

The CMA has the authority to determine whether consumer protection laws have been breached, give directions on a business' conduct, order compensation to be paid to affected consumers and issue fines to liable businesses without taking them to court.

However, the CMA takes a balanced approach when it comes to enforcement by considering:

- The strategic significance of taking action in respect of the concern and the likelihood of a successful outcome
- The likelihood of positive impact of CMA intervention
- The party who is most likely to be able to effectively resolve the misleading claim
- The party who is the most responsible for the breach, with a focus on who made the claim about the product or service

What Does This Mean for Affected Businesses?

Businesses must take responsibility for "green" claims made by others in their supply chain and conduct their own due diligence into any environmental statements by implementing their own internal processes to ensure accuracy and challenging these statements where appropriate.

When it comes to the calculation of a fine, the CMA will consider proactive steps to correct infringing conduct as a mitigating factor. The guidance provides a "green" claims compliance checklist for retailers, brands selling through third-party retailers, and suppliers and manufacturers, as well as illustrative examples, that certain readers may find useful.

Recently, the Advertising Standards Authority (ASA) held that statements such as "eco" nappies and "biodegradable" baby wipes were misleading to consumers. This was due to the fact that these claims were not substantiated across the whole supply chain and information regarding negative by-products caused by the biodegradation process was omitted.

Products

Per- and Polyfluoroalkyl Substance (PFAS) Update

1. UK Government Releases PFAS Plan Teased in December 2025

Defra unveiled its plan for per- and polyfluoroalkyl substances (PFAS), which it describes as a clear framework for coordinated action to tackle "forever chemicals". The publication of the PFAS Plan was one of most highly anticipated measures announced in Defra's Environmental Improvement Plan released in December 2025.

Some of the key measures and interventions of the PFAS Plan include:

- Developing new guidance for regulators and industries to address legacy PFAS pollution on contaminated land to ensure a consistent and practical approach
- Consulting on the introduction of a statutory limit for PFAS in England's public supply regulations to improve the condition of the water the nation drinks
- Carrying out tests on food packaging, like microwave popcorn bags and pizza boxes, to trace the presence of PFAS and support future regulatory action

For further information, please read our insight on this subject.

2. Closure of UK Allotment Due to PFAS Soil Contamination Against Context of UK PFAS Plan

It has been reported that a local authority, working with the UK's EA, has closed an allotment in Lancashire, following an investigation under the " Contaminated Land Regime", due to a form of PFAS, known as Perfluorooctanoic Acid (PFOA) being present in both shallow soil samples and the vegetable produce grown on site, at levels deemed to pose a potential risk to human health.

The Food Safety Authority has also issued advice for those living within a relatively short distance of the site (1 kilometre), warning that people who eat large quantities of vegetables on a daily basis from the site are likely to be increasing their exposure to PFAS, based on results from produce sampling. The advice is to wash and peel the produce prior to eating. This followed on from advice reported in the previous month to avoid eating eggs or egg-laying poultry produced near the former Hillhouse Technology Enterprise Zone.

While this advice is geographically limited, it does indicate that food produced near sites where PFAS chemicals were used, and/or released may potentially be subject to risks and/ or restrictions in future. Local authorities are also due (according to the UK PFAS Plan) to receive updated information, advice and guidance on PFAS "to support them carrying out their contaminated land responsibilities". This, combined with the publication of a "State of Contaminated Land Report" expected later this year (intended to assess the use of existing powers and local authority performance), may lead to similar local authority investigations in other parts of the country.

Deposit Return Scheme (DRS) for Drinks Containers in Wales

On 24 March 2026, the Welsh Senedd voted in favour of The Deposit Return Scheme for Drinks Containers (Wales) Regulations 2026, which marks an important milestone in Wales' commitment towards a circular economy and tackling litter.

These regulations will apply a mandatory, refundable deposit to single-use polyethylene terephthalate (PET) plastic, steel, glass and aluminium drinks containers between 150ml and three litres. Following purchase, consumers will then be able to redeem this fee by returning the empty container to designated return points.

The decision to include single-use glass bottles marks a deliberate divergence from the rest of the UK, where the previous UK government opted to exclude glass. As a result, Wales required an exclusion under the UK Internal Market Act, which has now been approved by UK Ministers. This allows Wales to maintain its broader scope while still participating in a UK-wide interoperable system.

This exclusion is subject to the Welsh government committing to the following points:

- Commencing the DRS scheme on 1 October 2027 in line with the rest of the UK.
- Integrating with the UK-wide scheme, which includes ensuring that schemes have a single registration and reporting system, processes for reciprocal takeback of material, consistent logos and the same deposit level.
- Extend its zero-deposit transitional period for glass bottles until October 2031. During this time, glass containers will carry a 0p deposit and they will be exempt from labelling requirements and targets.

Affected businesses will need to consider the impacts of the DRS scheme on their strategic planning. For example, those in the drink manufacturing industry will need to account for additional registration and labelling requirements, and retailers will need to account for return-point infrastructure and refund procedures.

Update of the UK Machinery Safety Regime to Align with the New EU Machinery Regulation

The UK government published a call for evidence last year about whether GB should continue recognising EU machinery rules and whether GB legislation should align more closely with the new EU Machinery Regulation (EU) 2023/1230 (The EU Regulation).

The EU Regulation applies across the EU from 20 January 2027, and it is worth noting that this regulation applies in Northern Ireland by virtue of the Windsor Framework, and its application will require legislation to be laid in Parliament by October 2026.

The government has now published the responses to the call for evidence, and it is particularly interesting that most respondents favoured updating the legislation to reflect the new EU Regulation, and to continue CE marking recognition. These measures will provide a regulatory stability and smooth market access, while still being able to introduce GB specific rules.

The EU Regulation create a harmonised set of rules across the EU, with limited room for national interpretation. It introduces new concepts such as AI, machine learning, cybersecurity and software-driven safety systems, which will become safety component subject to conformity assessment, while the current directive and therefore the regulations transposing it into UK national law was focused on mechanical hazards of traditional machinery.

The EU Regulation also introduces digitalisation, such as QR codes and digital product passports to simplify compliance, as well as allowing for digital instructions, rather than just the standard paper instructions as per the directive.

The government intends to update the Supply of Machinery (Safety) Regulations 2008, as they apply in GB to introduce similar measures to the EU, and therefore Northern Ireland, into GB legislation. Additionally, legislation to continue CE recognition for machinery products will be drafted.

These regulatory changes will be of significance for manufacturers, designers and users of traditional and new types of Machineries such as those including software's and AI tools.

Medical Devices Regulations: Targeted Consultation on the Indefinite Recognition of CE Marked Devices

On 16 February 2026, the Medicines and Healthcare Products Regulatory Agency opened a consultation on the approach to recognising CE marked medical devices in GB.

Following Brexit, the Medical Devices Regulations 2002 was amended to provide for a transitional arrangements for accepting medical devices that comply with the EU Medical Device Directive (MDD), which ends on 30 June 2028 and after that date, general medical devices that are placed on the GB market will have to comply with the EU Medical Device Regulation (EU MDR), which came into force in May 2021. Alternatively, the general medical devices will have to undergo UKCA conformity assessments. The EU have extended their own timelines for the acceptance of devices under MDD until 31 December 2028, which results in a period of approximately six months where devices are still accepted in the EU and Northern Ireland, but will not be eligible to access the GB market unless they are qualifying Northern Ireland goods.

Additionally, the transitional arrangement for accepting devices that comply with the EU MDR and EU In Vitro Diagnostic Medical Devices Regulation (EU IVDR) will end on 30 June 2030. After this date, CE marked devices will no longer be accepted in GB and UKCA marking will be required.

Stakeholders are therefore invited to comment on the following proposals:

- Extending the current transitional arrangements for devices to align with the EU timelines for devices to transition from the MDD to EU MDR
- Indefinitely recognising devices that comply with the EU MDR and EU IVDR
- Introduce an international reliance route for devices classified as higher risk in GB than in the EU

This consultation closed on 10 April 2026, and will be of interest to various stakeholders including medical device manufacturers and suppliers, distributors, procurement bodies, healthcare professionals and trade associations.

Consultation on UK New Product Safety Framework

On 31 March 2026, the UK government launched two consultations to reform the product safety framework, currently governed by The General Product Safety Regulations 2005 (GPSR 2005) in GB. The first consultation proposes a modernised framework across the UK to reflect modern products, technology and supply chain. The second consultation on enforcement and market surveillance reform proposes to simplify enforcement powers and introduce civil monetary penalties. Both consultations close on 23 June 2026.

The consultation proposes to retain some regulations of GPSR 2005 such as the definition of a safe product and core GPSR 2005 general safety requirements for producers. A significant reform is the introduction of clearer duties for producers, onward suppliers and online marketplaces. Another proposal is for this new framework to cover a wider scope of products, with some exceptions such as food and food contact materials like packaging, and medicines and medical devices.

On the enforcement side, the consultation proposes to introduce civil monetary penalties and seeks views on which types of civil monetary penalties should apply – fixed, variable and escalating penalty models. Any business placing products on the UK market would have an interest in the outcome of these consultations.

Health and Safety

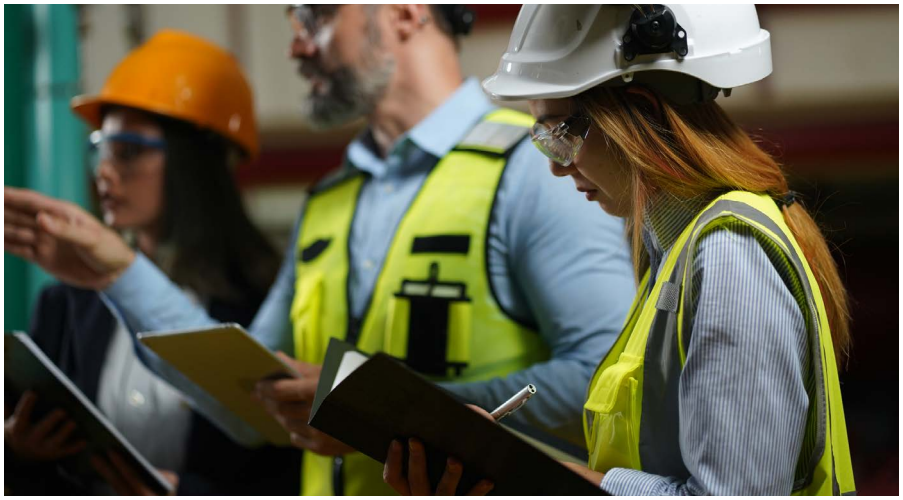
HSE Publishes Consultation on Great Britain's Control of Lead at Work Regulations

On 30 March 2026, HSE launched a consultation to amend the blood led exposure levels in the Control of Lead at Work Regulations 2002 (CLAW), the Approved Code of Practice (ACOP) and guidance for CLAW.

CLAW places a duty on every employer to prevent or control the exposure of lead to its employees. In light of evidence that health effects from lead exposure can be further prevented through lower exposure levels, the HSE seeks an amendment to the existing blood lead action and suspension levels in CLAW, and to update the ACOP to reflect the change.

The consultation also seeks to gather evidence on the use and understanding of lead in air monitoring, hygiene behaviours and seeks views on bringing the long-service employee concession to an end, given the expectation that control measures will have taken effect over the course of 20 years that the concession has been in place.

The consultation closes on 24 May 2026, and is will be of interest to employers, lead manufacturers, stakeholders in lead-use sectors, facilities management and construction.



Consultation on proposals for The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

RIDDOR is a legal requirement that imposes employers to report and keep records of all work-related fatalities, certain work-related injuries, diagnosed cases of reportable occupational diseases and certain "dangerous occurrences". The HSE launched a consultation on 7 April 2026 to introduce amendments to the current regulations to take into account emerging risks.

The proposals included in this consultation are:

1. Clarify definitions for certain terms such as "work-related", "injury" and "routine work" that have been identified as ambiguous. These would be included in regulation two, or clarified in guidance with examples. For example, the term "Enclosed space" in not currently defined and seems to be often misinterpreted, so there is a proposal to include a definition that aligns with the definition under The Confined Spaces Regulations 1997. The consultation is also asking if any other definitions in the regulations needs further guidance or clarification.
2. Update the current list of six occupational diseases in the regulation by reintroducing nine diseases from RIDDOR 1995 (such as Asbestosis, Pneumoconiosis or Cadmium related emphysema), and adding four new diseases to address emerging risks (such as noise induced hearing loss, occupational allergic rhinitis or occupational contact urticaria). Work-related stress and suicide were considered, but not being proposed to be included for now.
3. Broaden the scope of accepted "diagnosis" to allow the diagnosis of an occupational disease by other types of registered health practitioners, not just doctors who are registered and hold a license to practice with the General Medical Council (GMC).
4. Revise the list of dangerous occurrences in Schedule 2 by adding new categories and amending existing ones to reflect modern risks. The proposed new additions include tunnels and tunnelling activities, or dropping objects. The amendments, among other things, would include under structural collapse the collapse of any roof, ceiling, temporary work and trench collapses.
5. On the non-legislative side, the consultation proposes to improve the RIDDOR reporting process by simplifying the online form.

This consultation is relevant to all sectors and industries, in particular duty holders, self-employed people and those in control of work premises.

Silica Dust (Exposure) Bill Presented in Parliament

The Silica Dust (Exposure) Bill (the Bill) has been presented and read for the first time in Parliament. The Bill seeks to introduce provisions into legislation that are aimed at strengthening protections against silicosis and other lung diseases caused by occupational exposure to silica dust. Current regulations require using water suppression, H-class vacuum extraction and appropriate personal protective equipment (PPE). The HSE estimates around 500 deaths a year in the UK occur from workplace exposures to silica dust, and since 2024 there have been four confirmed UK deaths specifically linked to quartz kitchen worktops.

The Bill proposes enhanced monitoring and reporting requirements, a national screening programme for silicosis and new controls on working practices, including a ban on the dry-cutting of high-silica engineered stone. It would also expand the role of the HSE in regulating and enforcing occupational exposure to silica dust. The second reading is scheduled for Friday 17 April.

Agency Workers: Consultation on Modernising Regulatory Framework Published

The Make Work Pay consultation seeks views on proposals to modernise the regulatory framework governing the temporary labour market, aiming to strengthen worker protections while reducing unnecessary burdens on businesses. It considers how to update existing laws, including the Employment Agencies Act 1973, the Conduct of Employment Agencies and Employment Businesses Regulations 2003, as well as the Agency Workers Regulations 2010 and incorporates umbrella companies into regulation under the Employment Rights Act 2025. The government has a particular interest in tackling the persistent non-compliance among umbrella companies, which have seen a growth in the last years.

The consultation explores improving security and transparency for agency workers, increasing choice in how they are engaged and paid, and streamlining outdated rules to reflect modern working practices, and it is open until 1 May 2026. This consultation and further changes in legislation would be of interest of any company employing workers through agency or using umbrella companies.

Building Safety

Update on Flat Entrance Fire Door Fire Safety Checks

In light of government concerns regarding a misunderstanding on when fire doors require replacement under the Fire Safety (England) Regulations 2022 (the Regulations), the government has updated its fire door guidance.

The Regulations apply to high-rise residential buildings (at least 18 metres above ground level or at least seven storeys). However, the provisions relating to fire door checks apply more broadly to include any building that contains two or more sets of domestic premises and is above 11 metres in height. Checks must be undertaken annually for entrances to domestic premises, and every three months for communal doors.

The government was concerned that the scope and intent of the Regulations had been misinterpreted regarding these fire door checks, such that leaseholders were incorrectly being advised to replace flat entrance doors that were not manufactured and certificated in accordance with current standards for new fire-resisting doors.

The guidance clarifies that, in most circumstances, a door that satisfied the standards for a flat entrance fire door at the time the block was built, or that the door was manufactured, continues to be appropriate provided the door is undamaged and that there are no excessive gaps between the door and the frame. It states that the "absence of intumescent strips and smoke seals, and the absence of any form of certification for the door, does not imply that the door is unfit for purpose".

This update will be of particular significance to those in the residential property sector and fire safety professionals. Substantial increased costs due to inspections and/or replacement of doors are likely to be incurred.

New Residential Evacuation Plans Regulations from 6 April 2026

The upcoming Fire Safety (Residential Evacuation Plans) (England) Regulations 2025 (REP Regulations) create several new express duties, including to conduct person-centred risk assessments of, and create evacuation plans for, individual residents who would have difficulty evacuating a building without assistance in the event of a fire "as a result of a cognitive or physical impairment or condition" (Relevant Residents).

The REP Regulations come into force on 6 April 2026, and apply to buildings that contain two or more sets of domestic premises and are at least 18 metres in height above ground level, or have at least seven storeys, or are more than 11 metres in height above ground level and have a simultaneous evacuation strategy (Specified Residential Buildings).

The REP Regulations impose new duties on responsible persons (Responsible Persons) to:

- Use reasonable endeavours to identify Relevant Residents
- Offer a person-centred fire risk assessment to each Relevant Resident, and if consented to, ensure the risk assessment is undertaken and keep them under review
- Implement reasonable and proportionate mitigating measures on the basis that the costs of any such measures are borne by the responsible person and/or by the residents of the building (or both)
- Create an emergency evacuation statement setting out what the Relevant Resident should do in the event of a fire (if agreed to)
- Create a building emergency evacuation plan and review it annually
- Provide to the Fire and Rescue Authority the building emergency evacuation plan, and information on the location and level of assistance required (where that information has been explicitly consented to being shared)

Responsible Persons should familiarise themselves with the REP Regulations and may find it helpful to utilise the Responsible Persons toolkit and PEEPs Guidance to support compliance.

Environmental, Safety and Health (ESH) Prosecutions

Court of Appeal Decision in Significant Environmental Claim Against Water Companies

In March 2026, the Court of Appeal upheld the 2025 decision of the Competition Appeal Tribunal (the CAT) not to allow an environmental claim against six water and sewerage undertakings regarding the reporting of pollution incidents to proceed under the CAT's opt-out collective proceedings regime for breaches of competition law.

This case has been closely watched as it is the first time the CAT's collective proceedings regime, which is currently the only forum for bringing US style opt-out claims in England & Wales, has been used to try to bring an environmental claim, arguably trying to extend the scope of the opt-out regime beyond more traditional competition cases.

While the CAT and the Court of Appeal declined to certify the claim, the first step in the collective proceedings regime, this was not because they did not consider that the acts complained of amounted to a potential abuse of dominance in breach of competition law, but because the remedies for any inaccurate reporting were limited to those set out in the Water Industry Act 1991 (the "WIA").

While we wait to see if the class representative seeks to further appeal this decision on the interpretation of the WIA, regardless we could therefore see other attempts to broaden the scope of collective proceedings brought in the CAT to environmental claims in this way.

Major Oil Spill Results in a £6m Fine

In March 2023, a significant oil spill occurred in Poole Harbour, after a corroded pipeline leaked oil into the environmentally sensitive area. The pipe had deteriorated far more quickly than inspections had indicated. The spill affected important habitats such as seagrass beds and saltmarsh.

Following an EA investigation, the company agreed to a £6.1 million enforcement undertaking as an alternative to prosecution. The package included:

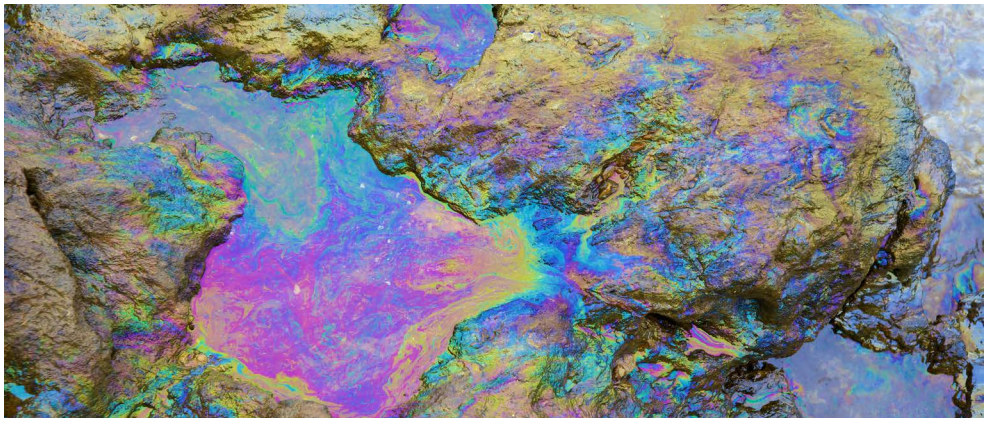
- £2.6 million for the initial incident response
- £2.4 million for the clean-up
- £115,000 for ecological surveys
- £620,000 paid directly to affected parties, including businesses that had to halt their operations due to the spill
- £400,000 invested in wildlife and community access projects led by local organisations

The EA accepted the enforcement undertaking due to the substantial steps already taken by the company to remediate damage and introduce measures to prevent future incidents. Local environmental groups, including Dorset Wildlife Trust and Friends of Dolphin, will use the funding to support conservation, water quality improvements and wetland restoration.

Manufacturer Fined £633,300 After Worker Suffers Life-changing Injuries

A building materials manufacturer was fined £633,300 after a worker's legs were crushed between one-tonne metal frames moving on a production line. The employee suffered a crushed leg and a metal rod, and screws were required to repair the injuries to his right leg.

The HSE investigation revealed that repeated warnings were ignored following several near misses that occurred in similar circumstances, and the manufacturer failed to implement measures to mitigate the risk despite a risk assessment identifying additional control measures were required.



EA Secures £430k for Charity After Multiple Pollution Incidents

The EA has secured £430,000 to be paid to the West Country Rivers Trust after a company was responsible of six clay pollution incidents occurred in Cornwall between September 2021 and July 2023. Additionally, the company will cover £22,600 in investigation and enforcement costs. The funding will support restoring water quality, improve fish migration and engage local communities in monitoring river health.

One of the most serious incidents occurred in September 2021, when an underground pipeline failure at the company's site near Goonamarris released around 87.8 dry tonnes of clay, contaminating the local land and river. Environmental impacts were still evident two months later.

The payment was made as part of an enforcement undertaking, which is an alternative to prosecution. The company has also committed to steps aimed at preventing future incidents, including:

- A review of operational procedures
- New equipment installation
- A 10-year pipeline replacement strategy

Fined Over £1.4 Million for Widespread Illegal Dumping

A company manager has been ordered to pay over £1.4 million after illegally dumping more than 4,275 tonnes of waste at 16 sites across England, including farms, a manor house and a nature reserve. Most of this figure represents the financial gain made by the defendant and also includes compensation and prosecution costs. The EA nationwide investigation uncovered falsified paperwork and widespread illegal dumping by the company. Compensation will go to Middlesbrough Council and the Lancashire Wildlife Trust for site remediation.

Company Fined £400,000 After Worker Dies From Toxic Glue Exposure

A maintenance company has been fined £400,000 after an employee died from inhaling toxic vapours from a Dichloromethane (DCM)-based flooring adhesive while working in a poorly ventilated bathroom. An investigation found the company failed to follow safety guidance, including avoiding DCM where safer alternatives were available and ensuring adequate ventilation. The damaged hose of a pressurised glue canister released a large amount of adhesive, causing the employee to lose consciousness; concentrations in the room were calculated to have reached 84.5 times the legal exposure limit. Guidance on working with DCM can be found here.

EU

Products

Food Contact Materials – Revision of the Plastic Regulation

On 3 February 2026, the European Commission published the Commission Regulation (EU) 2026/245, amending the list of authorised substances for use in plastic food contact materials. The regulation amends Annex I of Regulation (EU) No 10/2011 and introduces new authorisations, revised use conditions and clarifications for several additives and monomers used in food packaging. This is particularly relevant for manufacturers of polyolefins, polyamides, PET, Polyactic Acid (PLA) and Polyvinyl Chloride (PVC) materials, as week as articles intended for contact with food.

BPA in Food Contact Materials: Two Key EU Developments in Early 2026

Following the EU-wide ban on BPA in food contact materials adopted in late 2024, two important regulatory developments have emerged in early 2026.

Published on 2 February 2026, Regulation (EU) 2026/250 corrects a number of technical inconsistencies in the original ban (Regulation (EU) 2024/3190). A significant change concerns transitional provisions: reusable non-compliant items may now only be first placed on the EU market until 20 July 2026, with sell-through allowed until 20 January 2027 cutting what was originally a longer transition period by over a year. On the documentation side, companies are now only required to provide current material information in their Declarations of Conformity, easing traceability burdens. The correcting regulation entered into force on 23 February 2026.

In parallel, European Food Safety Authority (EFSA) has launched a public consultation on draft guidelines for the safety assessment of hazardous bisphenols other than BPA when used in food contact applications. This work responds to a requirement under Article 6 of Regulation (EU) 2024/3190, which mandates that EFSA publish such guidelines before 20 January 2027.

This consultation is particularly relevant for operators working with BPA substitutes, such as Bisphenol S (BPS) and other bisphenol derivatives currently covered by transitional provisions, as it will shape the future authorisation framework for these substances.

Commission Adopts New Ecodesign for Sustainable Products Regulation (ESPR) Measures on Unsold Consumer Goods

On 9 February 2026, the European Commission adopted two key acts under the ESPR. The first is a delegated regulation establishing the limited exemptions to the ESPR's ban on destroying unsold apparel, clothing accessories and footwear. These exemptions cover narrowly defined situations, such as safety risks or irreparable product damage, and will be overseen by national authorities. The ban itself will apply to large companies from 19 July 2026, with medium-sized companies required to comply from 2030.

The second measure is an Implementing Act introducing a harmonised EU-wide format for reporting the quantities of discarded consumer goods. Companies are required to disclose annually the number, weight, CN-code category, reason for discarding and final treatment of unsold products. While this standardised format applies from February 2027, disclosure obligations already apply to large companies. These will extend to medium-sized operators in 2030, while small and micro-enterprises are exempt. The new rules help to provide clarity on reporting expectations and enable businesses to put in place consistent systems for classification, documentation and verification of discarded products.

New Public Consultation to Tackle Territorial Supply Constraints and Protect the Single Market

The European Commission has identified Territorial Supply Constraints (TSCs) namely supplier- or manufacturer-imposed restrictions on the distribution of goods designed to segment markets by territory, typically by country, as one of the "Terrible Ten" most harmful barriers to the Single Market. On 5 March, the commission launched a call for evidence to gather input from stakeholders including public authorities, businesses, consumers and civil society, etc. on their experiences with TSCs. The issue is particularly relevant for the food industry, as some TSCs may be seen as limiting cross-border sourcing opportunities within the EU, while for others it can be considered justified, for example to comply with regulatory obligations such as food labelling requirements and language rules. Comments may be submitted until 2 April 2026. A follow up public consultation planned for Q2 2026 will feed into a legislative proposal expected by the end of the year.

Chemicals

Council Agrees New Quality Standards for Chemicals in Water

On 17 February 2026, the council formally adopted a directive strengthening EU rules on surface water and groundwater protection. It updates the list of regulated pollutants to include certain pharmaceuticals, pesticides, bisphenols and PFAS, in addition to reinforcing member state monitoring and reporting requirements. If monitoring results show pollutant concentrations surpassing permitted limits, this can lead to the introduction of substance-specific measures at national or EU level.

The European Parliament is expected to agree to the new rules at the end of March 2026. Once adopted, member states will have until 2039 to comply with the standards for new pollutants added to the lists. Existing regulated pollutants subject to newly tightened environmental quality standards in surface waters must comply earlier by 2033.

Manufacturers and users of substances are encouraged to check the updated list of pollutants to understand what additional substances are in scope and, if relevant, pay attention to the legislation's subsequent implementation.

ECHA opens Consultation on Socio Economic Analysis Committee (SEAC) Draft Opinion

On 26 March 2026, ECHA opened the 60-day public consultation on the draft opinion of its Socio-Economic Analysis Committee (SEAC) regarding the proposed EU-wide PFAS restriction. The consultation, running until 25 May 2026, invites stakeholders to provide evidence-based input on socio-economic impacts and the availability of alternatives. The consultation is structured via an online survey. This development follows the adoption of RAC's final opinion on 3 March 2026, which supports progressing toward an EU-wide restriction.

SEAC is expected to adopt its final opinion by the end of 2026, after which the European Commission will prepare a restriction proposal for consideration by member states. It is expected to include a general ban on PFAS, while offering a large number of time-limited exemptions for various uses.

PFAS Litigation in Europe

In the latest of several claims brought in relation to alleged PFAS contamination in mainland Europe, the Dutch foundation "PFAS Vrij Green Claim" has commenced a group action against Chemours on behalf of residents allegedly affected by the operation of a chemical plant in Dordrecht over the past 60 years. The claim, which has been started in the Dutch courts, seeks to recover compensation and a ban on further PFAS emissions. It is backed by a third-party litigation funder.

The claim is at an early stage but is a further illustration of the development of PFAS related litigation in Europe. While this type of claim has not yet been formally pursued in the UK, it seems likely that these will follow in due course, having been commonplace in the US for many years, despite the challenges in demonstrating a link between PFAS exposure and specific consequences.

The EU is Moving Forward with Extending Data Protection Periods under the EU Biocidal Products Regulation (BPR)

The EU is moving urgently to address an ongoing gap in data protection under the BPR for active substances in the review programme. As of 1 January 2026, the data protection periods under Article 95(5) have expired, creating legal uncertainty for data owners.

In December 2025, the European Commission proposed extending data protection until 31 December 2030. Crucially, the proposal provides for retroactive effect, data owners may claim compensation for access to their data from companies listed on the Article 95 list for the period starting on 1 January 2026 until the entry into force of the extension.

The legislative process is being fast-tracked. The council agreed its position on 4 March, and the deadline for amendments in the Environment, Climate and Food Safety Committee is 15 April. A first-reading plenary vote is expected by the end of April. The extension aims to close the regulatory gap and ensure fair compensation for data use in the EU biocides market.

Environmental Legislation

Packaging and Packaging Waste Regulation (PPWR): Key Developments (Jan-Mar 2026)

On 30 March 2026, the European Commission published a guidance document and an accompanying FAQ document to support the implementation of the PPWR. The guidance clarifies key concepts such as what constitutes "packaging", when an operator qualifies as a manufacturer or producer, and how restrictions on PFAS in food-contact packaging should be applied. The FAQs address practical questions raised by stakeholders since the PPWR's adoption on a large variety of PPWR-related topics. These documents are intended to improve legal certainty and support operators in preparing their compliance systems ahead of the PPWR's upcoming secondary legislation. The commission says it will update the FAQ document as needed.

On 25 February 2026, the commission adopted a delegated act exempting pallet wrapping films and straps from the 100% reuse requirement, citing disproportionate adaptation costs and supply-chain impacts. These types of packaging remain subject to a broader 40% reuse target for transport packaging by 2030.

In January 2026, the commission's Joint Research Centre finalised its technical proposal for harmonised EU waste-sorting labels, setting out plans for the implementation of a material-based labelling system. The proposal aims to ensure consistent consumer sorting instructions for packaging across member states. It will form the basis of a forthcoming PPWR implementing act on harmonised sorting labels expected by 12 August 2026.

A further development concerns the delay in finalising technical acts. Despite a deadline of 12 February 2026, the commission has yet to adopt an implementing act on registration formats and reporting requirements for extended producer responsibility. Within 18 months of the act's publication, each member state will be required to establish a national register which shall serve to monitor compliance of producers with the PPWR's EPR requirements.

Targeted Consultation on a Revision of the Water Framework Directive

On 17 March 2026, the European Commission launched a four week call for evidence on a targeted revision of the Water Framework Directive (WFD). The initiative forms part of the commission's REsourceEU Action Plan, presented in December 2025, which aims to accelerate the EU's access to critical raw materials. It marks the first step toward a potential revision of the WFD, announced for Q2 2026, to address the dual challenge that the extraction and processing of critical raw materials exert increasing pressure on water systems, while the current directive may create regulatory bottlenecks for these strategic projects. The revision seeks to better align environmental protection objectives with the EU's industrial and strategic autonomy ambitions.

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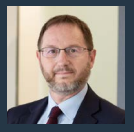

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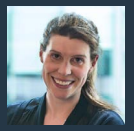

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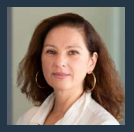

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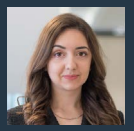

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