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# frESH Law Horizon

October to December 2025



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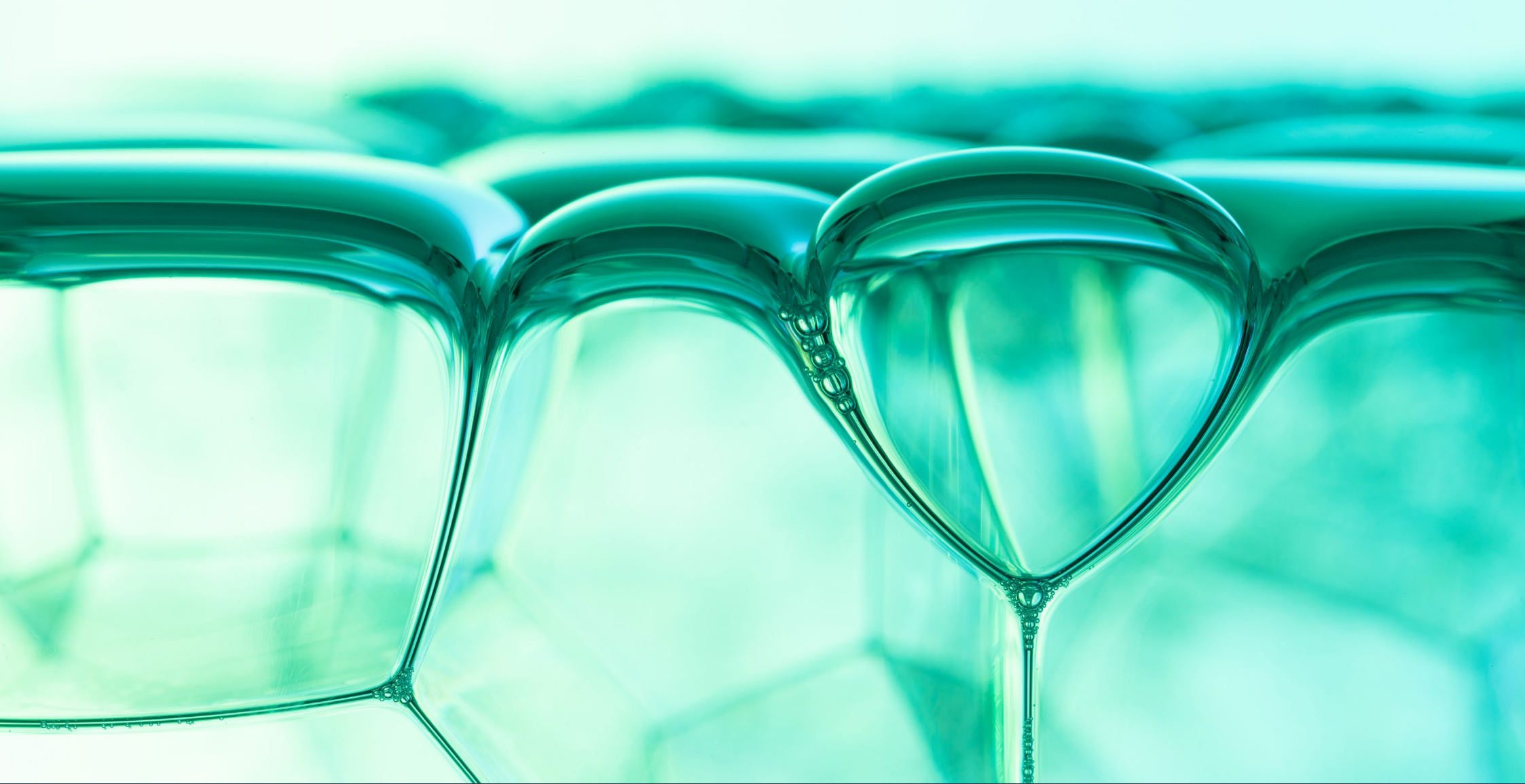
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UK

# Environmental Policy and Legislation

## Welsh Government Consults on Air Quality Targets for Fine Particulate Matter

The Welsh government have published a [consultation](#) on air quality targets. This consultation closes on the 16 February 2026, and seeks views on implementing stricter fine particulate matter (PM2.5) air quality targets. The consultation seeks views on:

- Reducing annual mean concentrations of PM2.5 in ambient air to a level of 10 microgrammes per cubic metre by 31 December 2035
- Reducing average population exposure by 25% by 31 December 2035, compared to the average exposure over a baseline period from 1 January 2017 to 31 December 2019

These proposed regulations are in line with [The Environment \(Air Quality and Soundscape\) \(Wales\) Act 2014](#), which requires Welsh ministers to make regulations to set an air quality target for PM2.5 by January 2027.

The consultation document here is accompanied by the draft [Air Quality Targets \(Fine Particulate Matter \(Wales\) Regulations 2026](#), which helps set targets and the dates they need to be achieved by. Welsh ministers must report on whether these targets have been met by 31 July 2036.

This consultation is of particular interest to companies operating in the transport and logistics sector, the construction sector, as well as the manufacturing and industrial sectors with combustion processes.

## Environmental Permitting Regime in England and Wales: An Update

England and Wales's Environmental Permitting Regime is undergoing significant amendments, as we flagged in the last edition of our [Newsletter](#). Below we cover proposed changes to Site Condition Reports and Guidance on Decarbonisation readiness.

## Proposed Changes to the Guidance on Site Condition Reports – England and Wales

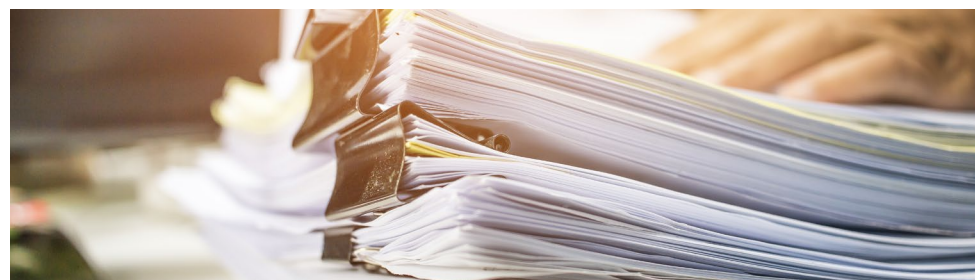
The Environment Agency (EA) launched on 24 November 2025, a consultation to update the guidance on site condition reports (SCRs) under the Environmental Permitting Regime in England and Wales that closes on the 18 January 2026. This change will impact how environmental permits are applied for and surrendered.

Subject to the consultation responses, the existing 2013 SCR Guidance would be replaced, as well as the associated SCR template and the "Regulatory Guidance Note 9 – Surrender"; and will provide clear instructions on the condition for the application, maintenance and surrender of the SCR

The key proposed changes include:

- **Mandatory SCR** – When applying for a bespoke or standard rules permit, an SCR must be produced and maintained throughout operations and provided upon permit surrender. This applies for A1 installations and waste activity sites like permanent deposits of waste (landfill). Currently, this is just a recommendation.
- Upon permit surrender, permits holders must demonstrate that the sites have remained in the same condition as at initial permitting (baseline), and that they have protect soil and groundwater.

This consultation will be of significant interest to any business requiring an environmental permit to operate as there will be changes to procedures, increased cost and compliance risks.





## Proposed Guidance on Decarbonisation Readiness – England only

Additionally, the EA has consulted on new [guidance](#) for setting out Decarbonisation Readiness (DR) in environmental permit applications. This guidance applies to new and substantially refurbished electricity-generating combustion power plants and replaces the Carbon Capture Readiness Guide in England only.

Operators of new or substantially refurbished combustion power plants in England must demonstrate they are ready to transition to low-carbon operations when applying for environmental permits after 28 February 2026. The low-carbon operations include hydrogen-firing or retrofit carbon capture technology.

The EA [consulted](#) in October 2025, and proposed to add new conditions to some standards rules to reflect the new DR, including requiring operators to keep a specific report on how they are meeting their DR targets, review the report and update it at least every two years. The EA is currently reviewing the responses to this consultation.

This guidance will be of interest for operators designing combustion power plants, or planning to refurbish these and that also needs to prepare their environmental planning application. The plant types include fossil fuel combustion power plants; biomass, biofuel and biogas combustion power plants; and energy from waste plants.

## HM Treasury Ditches Plans for a Single Rate of landfill Tax

As we reported in our [June Newsletter](#), HM Treasury launched a consultation to reform landfill tax in England and Northern Ireland, including creating a single rate of landfill tax by 2030. The single tax rate was supposed to prevent misclassification of waste, between residual waste and inert waste due to price differentials.

In the Autumn Budget 2025, the chancellor, following responses to the consultation, announced that there would be no single rate for landfill tax. In particular, the construction sector was strongly opposed to the charge as they argued that it could make some infrastructure projects unviable, as currently the lower rate that applies to inert materials such as concrete, bricks and natural soils is much lower than the standard rate. As a consequence of not introducing the single rate, the government plans to increase the lower rate of landfill tax, as it believes that the difference between the standard and lower rate is too big and induces misclassification of waste.

## Water Law Updates

There have been several recent developments on water law and policy. The first was on the 8 January 2026, when the Office for Environmental Protection (OEP) [issued information notices](#) to the Department for Environment, Food and Rural Affairs (DEFRA) and the EA for “possible failures” under the Water Framework Directive (WFD) Regulations. On the same day, DEFRA released details of the [mandatory annual pollution-cutting plans](#) that water companies will be obligated to produce under the Water (Special Measures) Act 2025 (2025 Act).

The OEP information notices set out the details of suspected failures by DEFRA and the EA to comply with the WFD Regulations. These possible failures relate to:

- The public authorities’ duties to exercise functions aimed at achieving the WFD’s environmental objectives, including setting objectives for each river basin district and establishing programmes of measures.
- Not meeting requirements for setting less stringent environmental objectives and ensuring public participation in the development of River Basin Management Plans. The OEP found that existing plans for water companies were “too generic” and were implemented despite low government confidence that key improvement targets for water companies by 2027 would be achieved.

DEFRA and the EA have two months to respond to the OEP, at which point the OEP will consider “next steps”.

Please read further about the recent water law and policy updates in our blog.



# Products

## Packaging Extended Producer Responsibility (pEPR) – PackUK Invoices Issued, More Detail on EA Enforcement Powers and Draft Regulations Published

Since our last newsletter, the first invoices payable under pEPR (the UK-wide scheme requiring packaging “producers” to cover the full cost of managing household packaging waste) have been issued. Under pEPR, fees are payable to local authorities via the scheme administrator, PackUK, and are based on the amount and type of household packaging supplied by certain producers of packaging. The assessment of whether packaging is household packaging or non-household packaging is emerging as a key challenge for producers, and in some instances is leading to invoices being disputed.

In October 2025, the EA published its [consultation response](#) on amending its Enforcement and Sanctions Policy by adding a [new annex](#) setting out its approach for applying new civil sanctions powers for enforcing pEPR, as well as when it will accept enforcement undertakings. Fixed monetary penalties are rising from £1,000, to £1,500 if not paid within 56 days. Variable monetary penalties will be calculated by reference to the Sentencing Council’s definitive guideline for environmental offences and will use the civil standard of proof. The new annex also specifies where the EA will and where it will not accept enforcement undertakings.

The government has published [draft legislation](#) (Producer Responsibility Obligations (Packaging and Packaging Waste) (Amendment) Regulations 2025) to allow producers of food-grade plastics who recycle in closed loops to offset pEPR fees. This follows allegations made by some stakeholders (see for instance the [FDF](#) as far back as 2023) that pEPR fees risk penalising those using closed loop recycling systems (“because they will be paying for the end use of a product that won’t be discarded” – [House of Commons Library, “Packaging extended producer responsibility”, 19 November 2025](#)).

On 16 December, the [illustrative base fees for Year 2 of pEPR](#) (2026-2027) were published by DEFRA. This provides an indication of the likely fees for each packaging material, although DEFRA has made clear that they “are likely to change significantly as producers submit more data and compliance is monitored by regulators”. While the final fees are not expected until summer 2026, this is a significant publication because, in line with the pEPR principle of modulated fees, where producers of higher recyclable packaging pay less, it includes red, amber and green fees, which will be of interest to “large producers” who are required to assess the recyclability of their packaging.





## Construction Products Regulation Amended

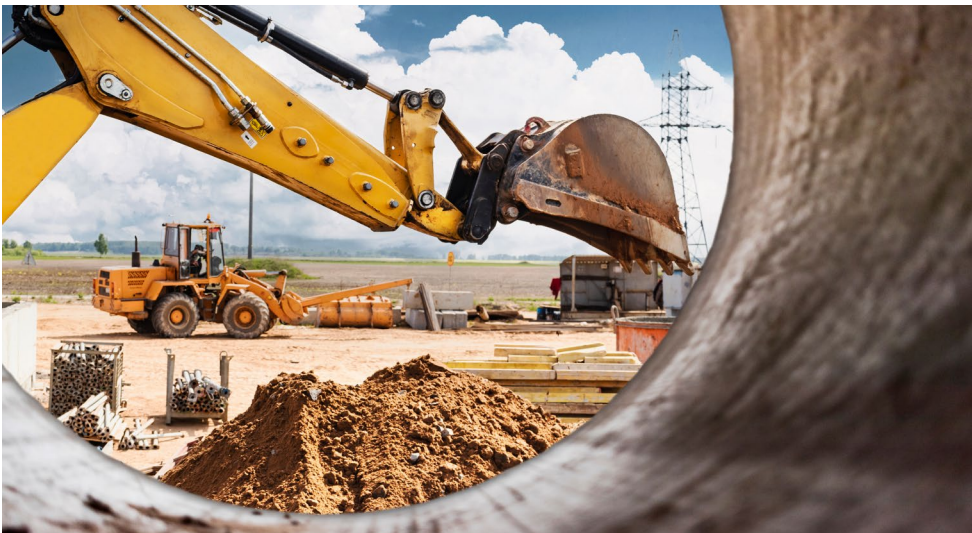
The UK government has introduced the [Construction Products \(Amendment\) Regulations 2025](#) (Amending CPR) to align domestic law with upcoming changes in the EU to the construction-products law.

The EU has repealed the EU Construction Products Regulation 305/2011 (the old 2011 EU Construction Regulation) and introduced a modernised regime under the EU Construction Products Regulation 2024/3110 (the new 2024 EU Construction Regulation). The old 2011 EU Construction Regulation is currently part of UK law.

These UK Amending CPR seek to maintain equivalence with EU rules, ensuring UK market operators can continue using CE-marked products aligned with EU standards, while preserving UK Conformity Assessment (UKCA) marking and avoiding duplication or regulatory divergence

These changes to the UK's construction products law came into effect on 8 January 2026, the same date as most of the changes to EU law.

These amendments and the alignment to the new EU Rules will be of interest to manufacturers, importers and distributors in the construction sector and any business involved in the construction supply chain.



## The UK's Food Standards Agency (FSA) Has Issued a Public Consultation on the Proposed Ban of Bisphenol A (BPA) and Other Bisphenols on Food-contact Materials and Articles (FCMs) in the UK

With the UK FSA and Food Standards Scotland issuing their public consultation on the proposed ban of BPA and other Bisphenols on food-contact materials and articles, food business operators and others supplying the UK market should carefully consider the proposal and assess whether safe alternatives are available.

The rationale for the ban is to reduce public exposure to these chemicals and protect public health from alleged impacts on the endocrine, reproductive and immune systems. The provisions could affect food-production equipment coming into contact with food and drink, as well as packaging and other FCMs (such as containers, kitchenware, varnishes and coatings) intended for consumer-use.

The proposed UK ban would bring closer alignment with the [EU Regulation 2024/3190 of 19 December 2024 on the use of BPA and other bisphenols and bisphenol derivatives with harmonised classification for specific hazardous properties in certain materials and articles intended to come into contact with food](#) (EU Bisphenols Regulation).

A closer alignment could help to ensure a similar level of public health protection across borders, which is particularly noteworthy, as the EU Bisphenols Regulation is applicable in NI under the Windsor Framework.

The EU Commission published a [Guidance on the implementation of the Regulation banning BPA and other bisphenols](#) on 17 December, which includes a Q&A to specify which materials are in or out of scope and clarifying the timings for compliance. Business wanting to use harmful bisphenols can apply for an authorisation, but EFSA (European Food Safety Authority) must first publish a risk-assessment guidance on the data needed to assess safety. Until EFSA issues its guidance, companies can still place FCMs made with hazardous bisphenols like BPS on the market, subject to existing rules.

For further information, please read our [blog](#).

## UK Government Publishes Guidance on Displaying Prices

As we flagged in the last edition of our [newsletter](#), the UK Government has issued [guidance](#) on the significant reforms to the Price Marking Order 2004 (PMO and PMO Reforms), which take effect on 6 April 2026. The PMO Reforms are designed to improve price transparency and provide tools for consumers to make informed decisions when purchasing products. The guidance interprets the main provisions of the PMO and helpfully provides practical examples to aid the PMO's reading.

Key points of the guidance include:

- **Definitions** – The PMO Reforms include changes to the definitions of “selling price” and “unit price”. The guidance provides examples of these definitions. For example, if the selling price for box of cereal A is £3 and the packaged quantity, which is for sale weighs 500 grams, the unit price is £6 per kilogram. The PMO Reforms also introduce a new definition of “deposit”. The guidance notes that deposits are not part of the unit or selling price because the deposit will be an extra returnable payment to be made in addition to the price, and which will not necessarily depend upon the weight or volume purchased.
- **Obligation to indicate unit pricing** – The guidance provides practical examples of when businesses must display unit prices and when it is not required, such as when goods are sold individually, products are part of a package or when prices are reduced due to damage or deterioration.
- **Presentation standards** – The PMO Reforms include that information, such as selling price, must be unambiguous, easily identifiable, clearly legible and displayed using a font that is clear, and of reasonable size. The guidance supplements the section and suggests that retailers may meet the requirements of the section in different ways, including by considering using as large a letter height as possible with adequate spacing, using white space and avoiding text wrapping.
- **General reductions** – Article 9 of the PMO allows businesses to use general notices regarding price reductions, instead of requiring previous indications of selling and unit prices to be changed. The PMO Reforms clarified that Article 9 may be relied upon when the characteristic of the general reduction mean it is not reasonably practicable to indicate the reduced selling or unit price. The guidance provides examples of this, such as when a store that stocks several different ranges of paint sold in different sizes runs 20% off all paint over a bank holiday weekend. Due to the short period of the offer and the range of paint included, it would not be reasonably practicable to alter the display prices, but instead the discount would be displayed.

The guidance will be of interest to all retailers who should update in-store and online displays and carefully review pricing and promotional material to ensure compliance with the PMO Reforms.

## Extension to the Data Protection Expiration Date for Biocidal Products

Under the Biocidal Products (Data Protection Periods) (Amendment) Regulations 2025 (the Regulations), the UK government has [amended](#) the data protection expiration date as previously set out in Article 95(5) of EU Regulation 528/2012 concerning the making available on the market and use of biocidal products (EU Regulation).

This date is extended for five years from 31 December 2025 to 31 December 2030. Without the introduction of this extension, the 300 (approximate) active substances that are yet to be reviewed by the Health and Safety Executive (HSE) would receive no data protection after 31 December 2025. As a result, active substance manufacturers or those supporting their approval would no longer be able to charge other companies to use their data after 31 December 2025, preventing them from recovering the costs of commissioning the data.

As discussed in a [written statement](#) of the Welsh government, whose consent to the regulations was sought, although the consequences of not amending data protection expiration date are difficult to predict there is a significant risk it would lead to companies withdrawing their active substances from the market because they are no longer financially viable. This would have knock on impacts on the pest control, transportation and water treatment sectors and could increase public health and safety risks.

The Regulations apply to Wales, England and Scotland and came into force on 30 December 2025.





## Wet Wipes Containing Plastic Ban in England Has Been Made

[The Environmental Protection \(Wet Wipes Containing Plastic\) \(England\) Regulations 2025](#) (the Regulations) ban the supply of plastic-containing wet wipes to end users in England, from the 19 May 2027. As specified in our last [frESH Newsletter](#), the main offences consist in supplying or offering these wipes to consumers, unless covered by specified exemptions, which relate to pharmaceutical and medical use.

Enforcement authorities can inspect premises, take samples and enter sites with warrants, with civil sanctions including a £200 fixed penalty.

Businesses involved in retail and distribution, such as supermarkets and convenience stores, will likely be impacted by the Regulations, as will anyone involved in the manufacture of noncompliant wet wipes.

## Consultation on Extending the CE Marking Recognition for Ecodesign Regulations

The Department for Energy Security & Net Zero (DESNZ) launched [a consultation](#) on 9 December 2025 with a proposal to amend the Ecodesign for Energy-Related Products Regulations 2010 (UK Ecodesign Regulations) to extend CE marking recognition to products covered under the new EU Ecodesign for Sustainable Products Regulation (ESPR), which will replace the existing EU Ecodesign Directive from 2027.

With this proposal, the CE marking recognition mechanism would be applied to new measures made under ESPR, in the same way as for measures made currently under the existing EU Ecodesign Directive.

The UK government wants to align the EU and Great Britain regimes to help reduce costs and regulatory complexity for manufacturers by avoiding any dual conformity assessment processes.

The consultation closes on 20 January 2026, and will be of particular interest for UK manufacturers, exporters and importers of energy related products, as well as retailers and distributors sourcing products from EU suppliers.



# Green Claims

## Green Claims Under Fire: The Rise of Regulatory Investigations and Litigation

Green claims have been subject to an intensified scrutiny by regulators and subject to consumer claims globally. We recently published [an article](#), where we explored the importance of aligning marketing and product claims. Statements made about products, made on product packaging, websites or annual reports that have global reach, can lead to fines, consumer group actions and reputational damage, showing that businesses must rethink how they communicate their environmental impact. In order to avoid greenwashing risks, this article emphasises the importance of supply chain due diligence, evidence-based substantiation and legal compliance within individual countries when making sustainability claims.

This article examined the different Regulations on Green Claims in the UK, covering the Green Claims Code and the Consumer Market Authority's (CMA) new enforcement powers, as well as the EU rules on this subject: the Empowering Consumers Directive and the Green Claims Directive. The article ends with case studies from the US, France, Italy and France.

In the UK, the Advertising Standards Authority (ASA) launched an investigation into greenwashing in the retail fashion sector that ended with ASA upholding some of the specific retailers' investigations finding their claims misleading. These retailers were claiming "[sustainable style](#)", the other "[sustainable materials](#)".

In both cases, the ads used broad environmental terms without clarifying their meaning, and absolute environmental claims require a high level of substantiation to avoid misleading consumers.

ASA found these ads to be in Breach of the Green Claims Code, specifically Rule 3.1 (Misleading advertising), Rule 3.7 (Substantiation) and Rules 11.1–11.4 (Environmental claims). ASA has ordered removal of the advertisements and companies were instructed not to repeat them.

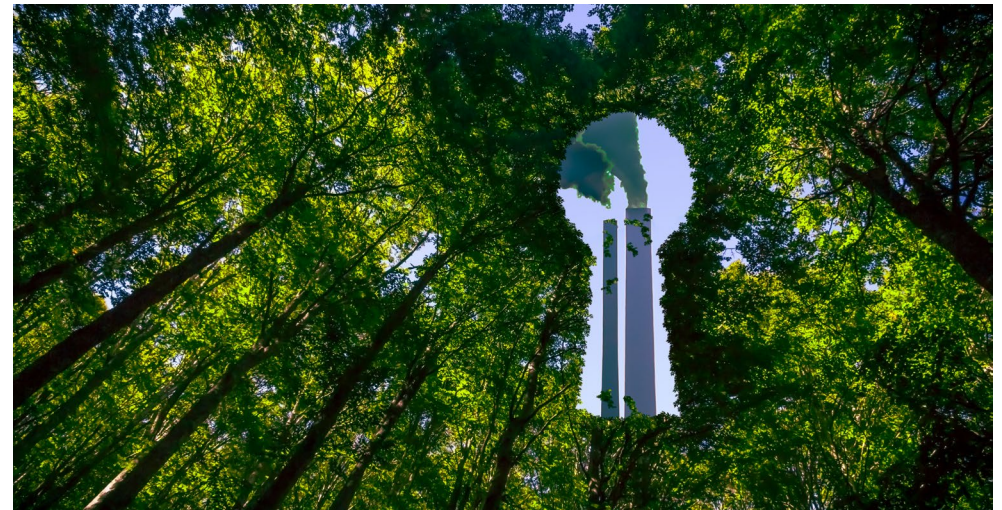
In the EU, the European Consumer Organisation and some national consumer protection authorities [investigated airlines](#) for using potentially deceptive terms like "CO<sub>2</sub>-neutral" or "offset", or stating that CO<sub>2</sub> emissions could be reduced by consumer financial contributions to climate protection projects.

A voluntary dialogue with 21 airlines resulted in commitments to avoid advertising practices deemed misleading. These commitments include:

- **Clearer emissions information** – Airlines will avoid stating that CO<sub>2</sub> emissions from a single flight can be "neutralised," or "offset"
- **Substantiate claims** – Claims such as the use of "sustainable Aviation Fuels" must be backed by clear explanations or supporting evidence
- **Future environmental performance** – Any claim about future sustainability (such as net zero targets) must include realistic timelines, specific steps and clearly defined emission types
- **Scientific support required** – All claims of environmental improvement must be substantiated with robust scientific evidence.

These commitments will be monitored by national consumer authorities and enforcement actions may follow if airlines are found to be non-compliant.

These cases emphasise that green marketing must be accurate, transparent and backed by evidence.



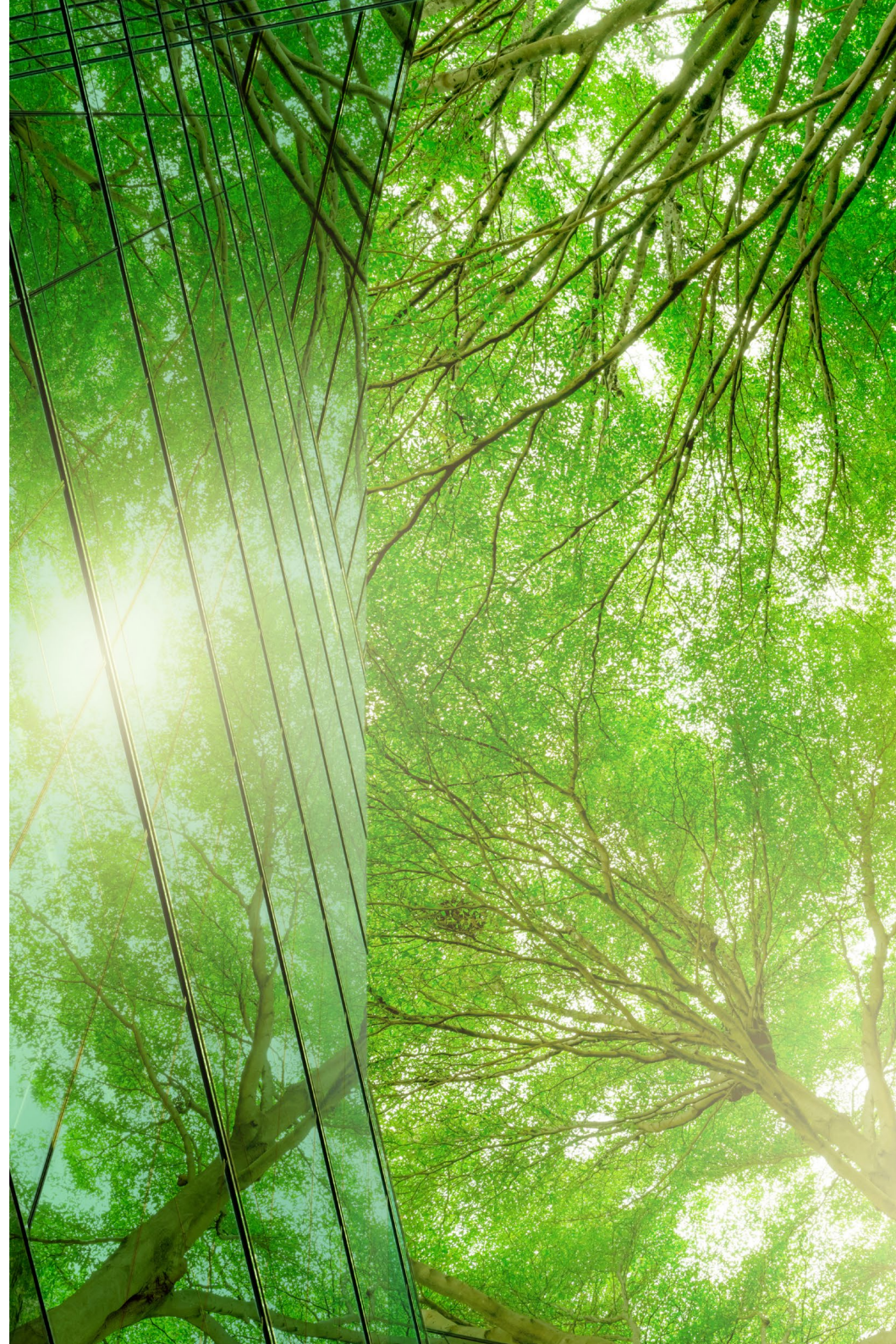


## EU Commission Publish a New FAQ

Less than a year before the obligations under the [Empowering Consumers for the Green Transition Directive \(EU\) 2024/825](#) (ECD) come into force, the European Commission has published a [FAQ](#) clarifying several important points:

- **Scope of the directive** – Corporate communication and sustainability reporting are generally not covered unless they are used for voluntary advertising or marketing directed at consumers.
- **Definition of “generic environmental claim”** – Elements that imply environmental impact, such as colours or images, are not considered generic environmental claims on their own unless combined with written or oral statements.
- **Impact on brand and product names** – Names protected by intellectual property rights can still qualify as environmental claims and fall within the scope of the ECD.
- **Carbon neutrality claims** – Generic claims of carbon neutrality are in principle prohibited unless the trader can demonstrate recognised excellent environmental performance relevant to the claim. Claims based on greenhouse gas offsetting for products are prohibited. For claims related to the company, they fall under the rules on future environmental performance.
- **Advertising irrelevant benefits** – Traders should avoid claiming features that all comparable products naturally have, similar to the concept in the Food Information to Consumers Regulation (e.g., “gluten-free water,” since water is inherently gluten-free).
- **Future environmental performance claims** – Verification must be carried out by independent third-party experts, free from conflicts of interest, with proven competence in environmental matters. This can be a public or private entity, though private auditors are most likely.
- **Use of “organic”** – Still allowed.
- **Vegan/vegetarian labels** – These may be considered sustainability labels if the trader implies environmental or social benefits (e.g., “vegan = better for the planet”).
- **Application to existing products** – The rules do not apply retroactively, but from 27 September 2026 all products on the market must comply. Traders may need to over-sticker products or take other corrective measures to avoid enforcement actions by national authorities.

All companies should prepare for the upcoming application of the ECD and closely monitor member states’ transposition processes, which have already begun and must be completed by the end of March next year. For more insights on green claims, check out [our article](#).





# Climate Change

## Omnibus I Reforms

After over 12 months of legal uncertainty, the EU has finalised the Omnibus I reforms and there is certainty as to who will need to report under the EU Corporate Sustainability Directive (CSRD) and EU Corporate Sustainability Due Diligence Directive (CS3D).

To recap and in summary, CSRD required around 46,000 companies established in the EU, and non-EU entities with a large presence in the EU, to report in their annual accounts their ESG impacts and opportunities. Reporting created greater transparency but became very costly and burdensome due to uncertain obligations, information requests across global value chains and untested ESG reporting standards.

CS3D required almost 17,000 EU and non-EU established companies to adopt due diligence processes to identify, mitigate and end human right adverse impacts across their value chain. It also provided an opportunity for individuals who suffered harm in the form of environmental impacts to bring civil claims against these companies.

The thresholds that EU and Non-EU companies now need to meet to be in scope of these directives following the Omnibus I Reforms, is much higher than they were when the legislation was enacted, but not as high as initially expected for CSRD. CSRD will now apply to around 16,000 companies and CS3D to around 6,000. Both directives still apply to non-EU companies with a large presence in the EU, which was a geopolitical point of contention.

The main changes to thresholds, in summary, as when applied to corporate groups these thresholds are much more complex, and dates of application are as follow:

	CSRD		CS3D	
	EU entities	Non-EU entities	EU entities	Non-EU entities
Thresholds	+1,000 employees and €450 million	€450 million	+5,000 employees and €1.5 billion net worldwide turnover Or Franchising or licensing agreements €75 million in royalties, and €275 million in net worldwide turnover.	€1.5 billion net turnover in the EU Or Franchising or licensing agreements €75 million in royalties, and €275 million in net worldwide turnover.
Application date	Report in 2028	Report in 2029	26 July 2029	

Listed entities with over 500 employees are still in scope of CSRD, but have been granted a two-year derogation so they will no longer need to report until 2028.

There were several other changes made that will facilitate the wider application of these directives across value chains in a much more efficient way. For example, CSRD does not allow for mandatory information requests from companies who do not themselves have 1,000 employees. Although these companies may voluntarily provide information or be required to do so by contract.

CS3D no longer allows for EU wide civil liability following environmental or human right impacts and return this power to member states. Although breaches of the obligations mandated by CS3D may result in penalties of up to 3% of a company's worldwide turnover.

These directives apply across all sectors to thousands of companies in the EU and non-EU companies that work in the EU and still create very onerous obligations for many of our clients. This is the time to find out whether you still have obligations under these directives, and how you may have to change your reporting following the new omnibus reforms. We have advising on CSRD and CS3D pre- and post-omnibus and would be delighted to have a confidential conversation.





## Consultation to Amend the Hydrofluorocarbon Phasedown Schedule in Great Britain

DEFRA has launched a [consultation](#) to seek views on proposed changes to the current hydrofluorocarbon (HFC) phasedown schedule applicable in Great Britain.

HFC is a type of fluorinated gas (F gas) used in a range of industrial, commercial and domestic appliances, in particular as a refrigerant. While not ozone-depleting, F gases are powerful greenhouse gases, with a global warming potential.

F gases are regulated through assimilated law including the [Regulation on Fluorinated Greenhouse Gases](#) (the F gas Regulation). The F gas Regulation sets out measures, which cap and progressively reduces the overall maximum quantity of HFCs placed on the market; known as the HFC phasedown.

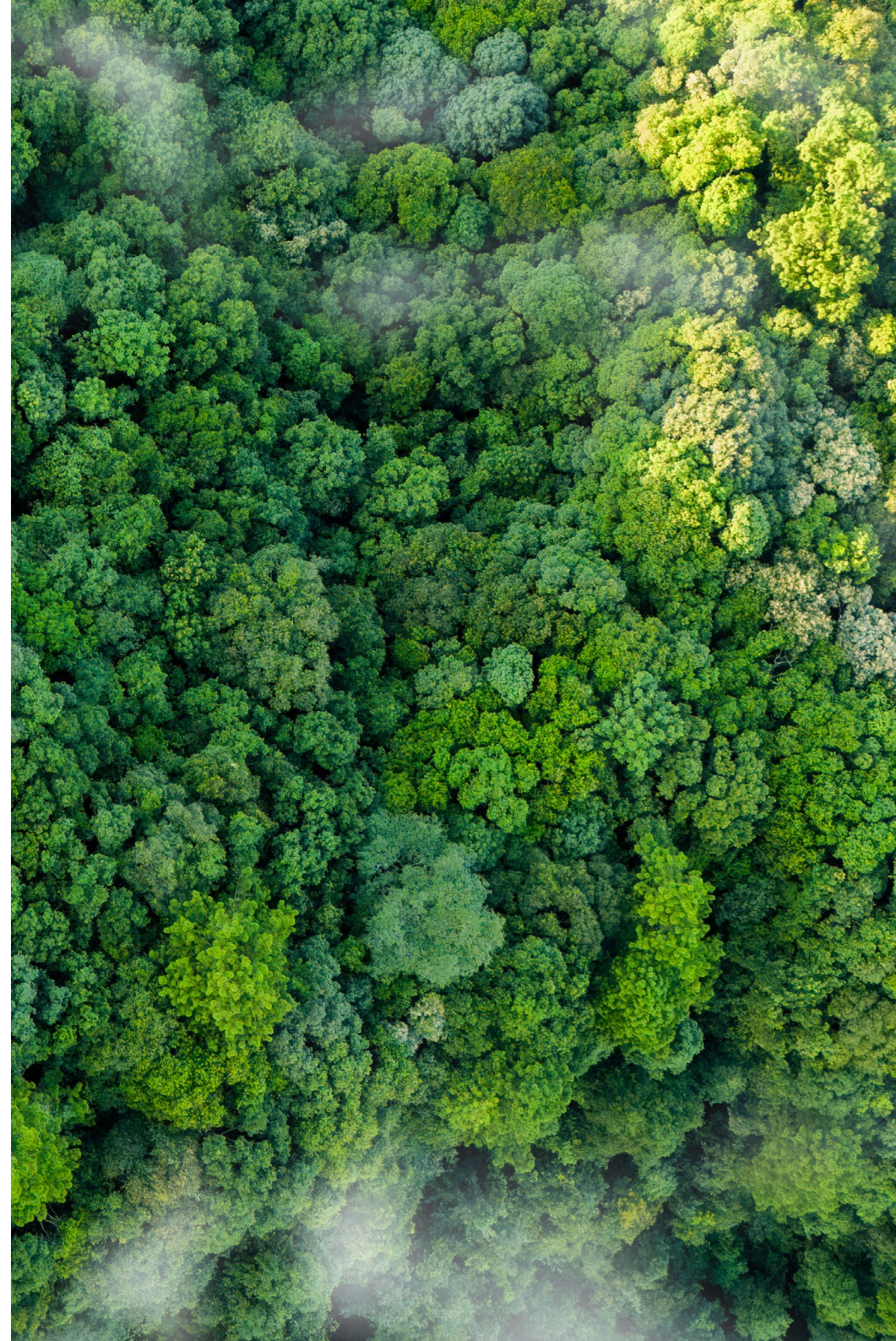
As part of the consultation, DEFRA proposes changing the HFC phasedown schedule in the F gas Regulation by:

- Adjusting the existing percentage phasedown schedule from 1 January 2027
- Adding further phasedown steps from 2030 to 2050

The proposed changes would reduce the amount of HFCs that can be placed on the market in Great Britain beyond current legislative limits i.e. replacing the 79% reduction by 2030 target with a 98.6% reduction by 2048 target.

The EU repealed the F Gas Regulation in 2024 and passed new legislations with a revised HFC phasedown from 2025 that ends in a complete phaseout by 2050. Under the Windsor Framework, the new EU Regulation applies in Northern Ireland, and this consultation seeks alignment with this new EU Regulation.

The consultation closed on 17 December 2025, and the government response and further legislative amendments will be of particular interest to readers in the refrigeration, air conditioning and heat pump sector, as well as any business relying on HFCs.





# Chemicals

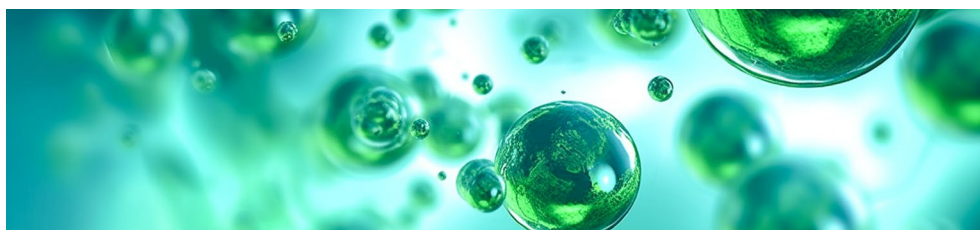
## UK Registration, Evaluation, Authorization, and Restriction of Chemicals (REACH) Deadlines Extended

As included in our [September Newsletter](#), DEFRA consulted on further extensions to the transitional registration model deadline, which allows business to reduce the cost of transitioning from EU REACH to UK REACH. On 22 December 2025, DEFRA published the [consultation outcome](#) with a summary of responses received and the government response. It was decided that an extension of three further years was required to help reduce burdens on small and micro businesses and downstream users, while still making sure the data becomes available.

Subject to the consent of the Scottish and Welsh ministers, the UK government intends to introduce legislation to apply the outcome of the consultation and extend the UK REACH submission deadlines as follows, subject to the consent of the Scottish and Welsh ministers:

- Previous deadline 27 October 2026 to new deadline of 27 October 2029
- Previous deadline 27 October 2028 to new deadline of 27 October 2030
- Previous deadline 27 October 2030 to new deadline of 27 October 2031

This future legislation is of interest for manufactures, exporters and importers of REACH substances.



# Health and Safety

## Proposed Amendments to Asbestos Regime

In November, the HSE launched a [consultation](#) on proposals for the Control of Asbestos Regulations 2012 (Asbestos Regulations), the primary legal framework on the management and control of asbestos. This follows a 2022 [inquiry](#). In the consultation, the recommendations made by the Work and Pensions Committee (WPC) arising from the HSE emphasises that asbestos remains the greatest cause of work-related deaths in Great Britain, but that statistics are beginning to indicate that “the stringent controls on work with asbestos introduced several decades ago, including the “duty to manage” in the [Asbestos Regulations] are beginning to generate a decline in lung cancer and mesothelioma deaths”.

Having considered the WPC recommendations, the HSE’s proposals are:

- To amend the Asbestos Regulations and associated guidance to ensure independence between the contractor that removes the asbestos and the asbestos analyst. The WPC’s inquiry found that, under the current system, there is a conflict of interest when the licensed asbestos removal contractor appoints an asbestos analyst, and that the analyst appointment should be made instead by the client/dutyholder.
- To drive up the standard of asbestos surveys through improving guidance and ensuring that dutyholders understand the importance of high-quality surveys in managing the risk from asbestos. The WPC’s inquiry raised concerns about the quality of surveys and suggested a national standard for reports with a recognised accreditation body.
- To clarify (through guidance and “other interventions”) the type of work that constitutes work with asbestos, known as “Notifiable Non-Licensed Work” (NNLW).

The consultation, open for two months over the festive period, closed on 6 January 2026. It will be of interest to all those managing industrial, commercial and residential buildings, including asbestos dutyholders as well as asbestos analysts, removal contractors and surveyors.



## HSE Call for Evidence to Review Lifting and Pressure Systems Regulations

HSE launched [a call for evidence](#) on 1 October 2025 to review two key workplace safety regulations: the Lifting Operations and Lifting Equipment Regulations (LOLER) and the Pressure Systems Safety Regulations (PSSR). These regulations govern the safe use of lifting equipment and pressure systems across UK workplaces.

This review follows the UK Government's Regulatory Reform Action Plan (RAP), published by HM Treasury in March 2025. The RAP aims to simplify and modernise regulation to support economic growth by reducing bureaucracy, improving efficiency and adapting to technological advancements.

The HSE's consultation sought input on whether reforms are needed to reflect changes in technology, industry practices and risk profiles. Key objectives included:

- Identifying and reducing unnecessary financial or administrative burdens
- Ensuring regulations align with current technology and workplace practices
- Maintaining high safety standards while enabling innovation and growth
- Clarifying and simplifying regulatory requirements where possible

The call for evidence closed on 11 November 2025. Workplaces where lifting equipment and pressure systems across are used are advised to prepare for potential changes, which could affect inspection schedules, marking and labelling requirements and documentation processes if reforms to LOLER and PSSR are introduced. Manufacturers and distributors of this equipment could also be impacted.

## Workplace Transport Safety: What Employers Need to Know

[Moving vehicle incidents](#) cause 16% of work-related fatalities in Great Britain, averaging 21 deaths annually, often from reversing vehicles with construction and transport/storage being the most affected areas of work.

- Preventing these incidents requires basics to be conducted properly such as:
- Ensuring there is safe site design (barriers, clear walkways, one-way systems and good lighting)
- Vehicle maintenance (functional cameras, alarms, sensors and regular checks)
- Training and culture (drivers and staff empowered to stop unsafe work, managers challenging risky behaviour).

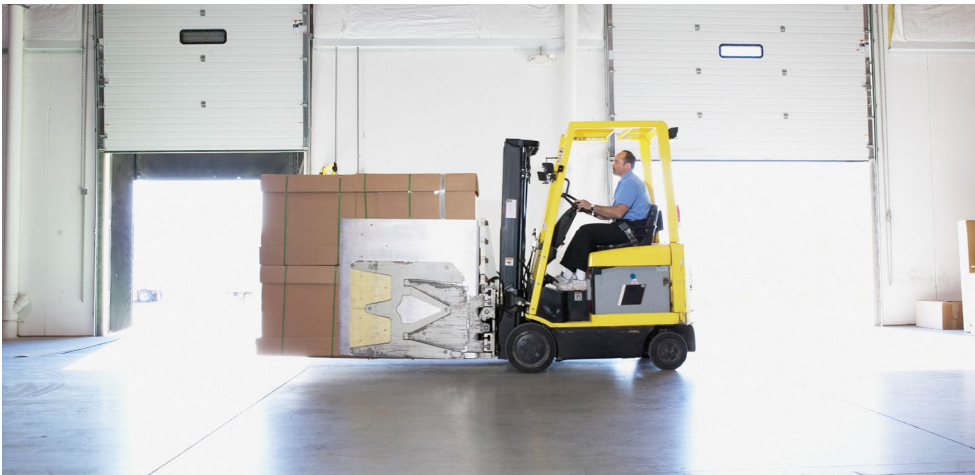
Managers and supervisors should constantly challenge and investigate these unsafe behaviours as they arise. Recent fines of up to £2.5 million highlight the cost of neglect from many companies with the same preventable failures happening consistently. Moving forward it is essential for companies to implement consistent control measures, which includes conducting risk assessments, equipment upkeep and enforcing safe practices to help eliminate these avoidable deaths.

Further [guidance on workplace transport](#) is found on the HSE 's comprehensive guide.

## HSE Publishes Annual Workplace Health and Safety Statistics

The [HSE](#) has published its [annual statistics](#) on work-related ill health and workplace injuries for 2024/2025. Statistics show that 1.9 million workers experienced work-related ill health, with stress, depression and anxiety accounting for nearly one million cases. Work-related illness and workplace injury resulted in 40.1 million lost working days. During that period, there were 124 worker fatalities and around 680,000 self-reported non-fatal injuries, demonstrating that safety standards remain stable, but with persistent areas of concern. The estimated annual economic cost of workplace injury and new ill-health cases reached £22.9 billion.

These statistics represent significant legal and financial risks for companies. There is a continued rise in stress-related illnesses and highlights the need for stronger psychosocial risk assessments strategies. All businesses can also expect higher scrutiny from the HSE, particularly in sectors with higher injury rates such as construction and transportation sectors.



# Modern Slavery

## Supply Chain Transparency: UK Government Responds to Joint Committee Recommendations on Modern Slavery Laws

A recent UK government [publication](#) offers a timely and illustrative example of how UK modern slavery laws are being reviewed. This document outlines the government's response to various recommendations made by the Joint Committee on Human Rights (a Parliamentary body) in a July report titled [Forced Labour in UK Supply Chains \(Sixth Report of Session 2024–25 HC 633 / HL Paper 159\)](#).

We have put together a list of the most significant joint committee recommendations, alongside the government's responses. While some of the commentary remains opaque at this stage, we expect further detail to follow in due course to give businesses more certainty on what sort of changes to the regime they can expect. In the meantime, businesses should focus on preparing their next modern slavery statements in line with the updated Home Office [statutory guidance](#).

Please read further about these recommendations in our [blog](#).

## Report on Strengthening the UK's Forced Labour and Human Rights Legislative Framework Published

In mid-December, the Independent Anti-Slavery Commissioner (IASC) published a report on "[Strengthening the UK's Forced Labour and Human Rights Legislative Framework](#)". This report follows a series of publications on the UK's modern slavery regime over the last 18 months from various sources including the parliamentary committees and the Home Office's "transparency in supply chains" guidance updated in March 2025.

This report proposes new legislation referred to as "Model Legislative Drafting" and recommends a number of measures including:

- A ban on the exporting, importing or making available on the UK market of products made with, or transported with, forced labour. This would be accompanied by public forced labour database and a fine mechanism (which could leave businesses facing fines of twice the sale value of the relevant products or up to 5% of annual turnover) for breaches.
- Mandatory human rights due diligence legislation to bring the UK into alignment with international partners.
- A requirement on "relevant organisations" (i.e., those counting as "commercial organisations" under the existing Modern Slavery Act 2015 (MSA)) to publish annual human rights statement on their websites. This would also be accompanied by a fine mechanism (up to 5% of annual turnover) for breaches, which would represent a significant shift from the current provisions and enforceability of s.54 MSA.
- Liability on "relevant organisations" for failing to take reasonable measures to prevent serious human rights harms which they cause, contribute to or are directly linked to.
- "Senior officer liability" provisions where a senior officer of a relevant organisation consent or connived in the commission of an offence by the organisation.

The IASC calls for Model Legislative Drafting to be adopted in the next king's speech, but it remains to be seen which of these proposals will be taken forward by the UK government.





## Food

# House of Lords Secondary Legislation Scrutiny Committee considers the Brand Advertising Exemption Regulations

As we reported in the last edition of [frESH](#), the Advertising (Less Healthy Food and Drink) (Brand Advertising Exemption) Regulations 2025 (Brand Advertising Exemption Regulations) were published in September 2025, and came into force on 31 October 2025.

The Advertising Regulations will impose new restrictions banning ads for “identifiable” food and drinks that are high in fat, salt or sugar (HFSS) from being shown on Office of Communication (Ofcom)-regulated TV services and Ofcom-regulated on-demand programme services between 5:30 a.m. and 9 p.m. in the UK, or at any time in online paid-for advertising.

The Brand Advertising Exemption Regulations came before the House of Lords Secondary Legislation Scrutiny Committee (the “Committee”), whose findings were published in a [report](#) on 16 October 2025, (Committee Report).

If you would like more information about the Committee Report, please read our [blog](#).



## Environmental, Safety and Health (ESH) Prosecutions

## Mariana Dam Collapse Group Action

Our colleagues in litigation published [an article on the Mariana Dam Collapse Group Action judgement](#). The importance of this case from an ESH perspective is that the case, of which the judgment is subject to appeal, is one of the most significant cases relating to overseas environmental damage heard in the English courts. In particular, the judgement has implications for ESG reporting as it reflects the need for company boards, including those of parent companies based in different jurisdiction from where the action or inaction was taken, to take great care, and legal advice, when documenting their board meetings and sustainability reports. There is currently a huge focus by both potential litigants, and environmental regulators, on how the boards of global groups make decisions with potential environmental and human rights impacts.

## Significant Environmental Lawsuit Issued in the UK

A significant group claim, described by the law firm acting for the claimants as the largest environmental lawsuit in relation to alleged damage occurring in the UK, was filed in September. The claim relates to pollution in the Rivers Wye, Lugg and Usk and is being pursued by a consumer law firm on behalf of nearly 4,000 residents, local businesses and river users allegedly impacted by the pollution.

The defendants include chicken producers, as well as the regional water company, with allegations (which have been publicly denied) that, respectively, the spreading of manure and nutrient runoff from poultry farming, as well as sewage discharges, caused ecological harm. The claimants are seeking multi-million pound damages, as well as a court order compelling the clean up of the river.

Group litigation or class actions are on the rise more generally in the UK, due to a mixture of procedural changes, increased availability of third-party litigation funding, and new claimant law firms entering the market, including some established US firms. As this case shows, there is also a focus on using the regime to bring environmental claims. Those responsible for the protection of environmental assets, as well as manufacturing companies whose activities may impact the environment around them, are likely to come under increased scrutiny in this regard, and should be alive to the additional risks of consumer lawsuits on top of potential regulatory action if contamination occurs.

## Utility and Infrastructure Company Fined £800k After Fatal Safety Breach

The HSE has [fined](#) a UK-based company specialising in drainage, wastewater and utility infrastructure services, following the death of a drainage engineer in December 2022.

The incident occurred when a large pressure release, thought to be due to a build-up of ice in the system as a result of temperatures below freezing, caused the end of a jet hose to strike the deceased in the face.

The HSE's investigation revealed that the company failed to ensure, so far as was reasonably practicable, the health, safety and welfare of its employees. In particular, the HSE found:

- A lack of a safe system of work detailing how priming of the jetting system should be done safely
- Poor equipment maintenance
- Failure to monitor use of physical control measures in place
- Insufficient training, supervision, information and instruction provided to employees

The company pleaded guilty to breaches of the Health and Safety at Work etc. Act 1974 and had the fine reduced from £1.2 million to £800,000 based on the early guilty plea.

## Fined for Illegally Operating Waste Sites

The Environment Agency has ordered an individual to pay £37,000 (fine of £19,248, ordered to pay costs of £17,500 and a victim surcharge of £120) after [illegally operating waste sites without environmental permits](#) and illegally depositing waste on land, which are offences under the Environmental Permitting (England and Wales) Regulations 2016. The Environment Agency investigation revealed that they stored and treated large quantities of waste (including bricks, concrete, wooden fence, green waste and white goods) at the sites between 2016 and 2023, posing risks to the environment and public health.

Operating a landfill site requires an Environmental Permit.

## Company Fined £600,000 After Worker Injured in an Unprotected Shovel Loader Cab

A [global glass bottle maker](#) was fined £600,000 after a worker was burned when molten glass and hot water entered his unprotected shovel loader cab. The employee suffered scald injuries covering 8% of his body. The HSE investigation found:

- **Missing Protective Equipment** – The loader had been operating without its safety door since its removal in March 2022. Despite reports to engineering staff, it remained unrepaired for nearly two years.
- **Repeated Warnings Ignored** – Other employees had reported similar near-miss incidents, including molten material entering the cab and burning footwear

These constitute legal breaches of the Provision and Use of Work Equipment Regulations 1998, specifically a failure to maintain the loader in "efficient state, working order and good repair" and of the Health and Safety at Work etc Act 1974 concerning duty to ensure safety and maintenance.

## Farm Fined £6,000 for Slurry Polluting River

A [dairy farm](#) was fined £6,000 for causing slurry pollution in a local river. The incident, reported in March 2024, resulted in severe contamination over 2 km and further impact up to 4.5 km downstream. The Environment Agency traced the source to overflowing slurry lagoons at the farm. The pollution caused significant deterioration in water quality and harmed river ecology. The court noted the offence was avoidable, as regulations require secure storage of slurry enough to cover at least for four months' production and the farm failed to meet this obligation.







EU

# Products

## EU Commission Open Public Consultations that May Reshape the Future of EU Product Law

On 12 November 2025, the European Commission launched two major consultations: one on revising [Regulation \(EU\) 2019/1020 on market surveillance and compliance of products](#) (MSR), and another on the [New Legislative Framework](#) (NLF). Both initiatives aim to strengthen enforcement and adapt EU product rules to new challenges.

For [the MSR consultation](#), the commission is seeking views on the effectiveness of corrective actions and penalties, the role of digital tools in enforcement and the responsibilities of online marketplaces. It also asks for input on the use of the Digital Product Passport (DPP) and the role of notified bodies.

[The NLF consultation](#) focuses on the type of information the DPP should contain, the regulatory status of refurbished goods to support circularity and the responsibilities and oversight of notified bodies, as well as the role of standards.

Interestingly, the commission is exploring whether the revisions of the NLF, the MSR and the [Standardisation Regulation](#) should be merged into a single “European Product Act” to ensure coherence.

Businesses placing goods on the EU market should take this opportunity to submit comments on those important consultations before 4 February 2026.

## New Commission Guidelines on the application of the EU GSPR

On 21 November 2025, the European Commission published new [Guidelines on the application of the EU general product safety legislative framework by businesses](#) and [Guidelines for the practical implementation of the Safety Business Gateway under Article 27\(2\) of Regulation \(EU\) 2023/988](#). These documents aim to help businesses, especially small- and medium-sized enterprises (SMEs), understand and comply with their legal obligations by clarifying key GSPR requirements, defining what constitutes a safe product and outlining responsibilities across the supply chain. The first set of guidelines provides a practical checklist for manufacturers, authorised representatives, importers, distributors, fulfilment service providers, online marketplace operators and any responsible person established in the EU.





## Commission Sets New Eco-Design Rules for Chargers and USB-C Cables

The European Commission has adopted new eco-design requirements covering external power supplies, wireless chargers and charging pads, battery chargers for general-use portable batteries and USB Type-C cables. [Commission Regulation \(EU\) 2025/2052](#), adopted under the old Eco-design Directive 2009/125/EC, will apply mainly from 14 December 2028.

The regulation introduces key obligations, including energy efficiency standards, power output performance requirements, interoperability rules and specific provisions for common chargers including a new logo that European consumers will need to become familiar with.

## EU Pushes for a Ban on Single-use Plastics in Tobacco Products at World Health Organization (WHO) Level

Further to national pushes to ban single use vapes in the UK and other European countries, the Council of Europe has taken position on the ban of single-use plastics in tobacco products in its [Draft positions](#) for the 11th Conference of the Parties to the WHO Convention on Tobacco Control (FCTC). The prevention and management of waste generated by the tobacco industry, including a possible ban on plastic cigarette filters are examined as some regulatory option.

Read further about this possible ban in our [sustainability in business blog](#).

## EU Deforestation Regulation (EUDR) implementation delay

[Regulation \(EU\) 2025/2650](#) extending the EUDR's application by a year was published in the Official Journal of the EU on 23 December 2025, entering into force on 26 December 2025.

The amended Regulation includes the following changes:

- One year delay of application for large and medium operators (i.e. 30 December 2026) and delayed application for small- and micro-operators (i.e. 30 June 2027)
- Review clause, whereby the European Commission shall issue a report on the impact of the legislation especially to micro- and small-operators with possible simplification amendments by 30 April 2026
- Simplified due diligence statements for micro and small operators
- Clarifications regarding the role of downstream operators





## Chemicals

### Commission Grants New Restriction of Hazardous Substances (RoHS) Exemptions for Lead Use Until 2027

The European Commission has adopted three new delegated directives under the RoHS framework, granting exemptions for the use of lead in [in high melting temperature solders](#), [glass or ceramic components](#) and [for lead as an alloying element in steel, aluminium and copper](#). These directives were published in the EU Official Journal on 21 November 2025. Industries relying on these exemptions should start preparing now for renewal applications, as most of the exemptions are granted only until 31 December 2027.

## Environmental Legislation

### New EU Rules For Preventing Plastic Pellet Losses

[Regulation \(EU\) 2025/2365](#) on preventing plastic pellet losses to reduce microplastic pollution was published in the EU Official Journal on 26 November 2025. The new rules apply to all entities handling or transporting plastic pellets within the EU and introduce obligations such as certification requirements, stricter transport standards and comprehensive risk management measures. Most provisions will become applicable from 17 December 2027, giving businesses time to prepare for compliance.

### EU Sustainable Finance Disclosure Rules: EU Commission Unveils Major Overhaul

The European Commission has unveiled a [proposal](#) to overhaul the Sustainable Finance Disclosure Regulation (SFDR), aiming to simplify the regime. The changes, published on 20 November and accompanied by a detailed [Q&A](#) and [press release](#), form part of the commission's broader Savings and Investments Union agenda, which aims to enhance financial opportunities for EU citizens and businesses, while supporting the EU's economic growth and combativeness.

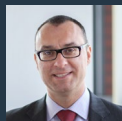
The commission's review seeks to address the structural weaknesses that have emerged since the SFDR entered into application. Stakeholders have repeatedly noted that although the framework was designed to promote transparency, it has in practice generated uncertainty around product categorisation and inconsistent disclosure practices.

The proposed reforms would materially reshape how financial products can be marketed as sustainable, how firms substantiate ESG-related claims and how disclosures must be designed. These changes will require firms to reassess product positioning, update internal governance and prepare for a more prescriptive ESG framework.

Find further information about the proposed amendments and how our team can help you in our [sustainability in business blog](#).



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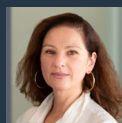
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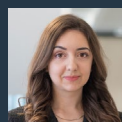
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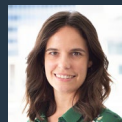
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