

FrESH Law Horizon

August to September 2026

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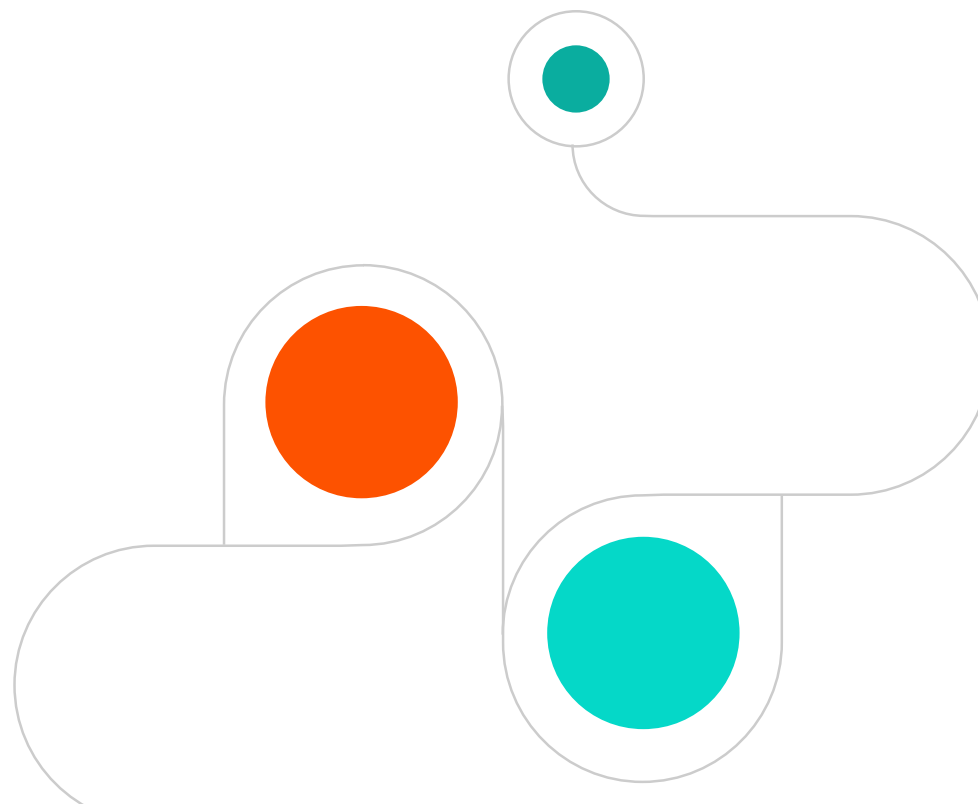
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UK



Environmental policy

Environmental delivery plans: Government publishes guidance

The government's new Environmental Delivery Plan (EDP) regime is one of the most significant environmental planning reforms in recent years. Introduced through the Planning and Infrastructure Act 2025, the reforms aim to accelerate housing and infrastructure delivery while improving environmental outcomes through a new strategic approach to nature recovery.

Under the existing system, developers are often required to assess and mitigate environmental impacts on a site-by-site basis. This can result in lengthy negotiations, increased costs and delays to housing and infrastructure projects. The government argues that despite these requirements, nature has not always benefitted as intended, particularly in areas affected by nutrient neutrality and protected species constraints.

The new regime seeks to replace fragmented mitigation measures with a more strategic model. EDPs, prepared by Natural England, will identify environmental pressures within a particular area and set out conservation measures designed to address them. Developers will be able to contribute financially to the Nature Restoration Levy (NRL) rather than delivering mitigation measures themselves. This funding will then be used to deliver larger-scale environmental improvements across a wider landscape.

On 17 September 2026, the government opened a [consultation](#) soliciting opinions on the first EDP proposed to take place in Norfolk. The EDP focuses on nutrient pollution harming aquatic environments caused by nitrate and phosphate wastewater, and runoff affecting the Broads Special Area of Conservation and the River Wensum. The first (and all future) EDPs will be subject to the "[overall improvement test](#)" under the Planning and Infrastructure Act 2025, which requires the positive effects of the EDP's conservation measures to materially outweigh the negative effects of the development covered by the EDP by its end date, with that favourable balance then maintained for as long as the development continues to cause environmental impacts. Whether this test is met will involve a context-specific ecological assessment, considering factors such as the effectiveness of conservation measures, delivery timescales, monitoring arrangements and the robustness of any contingency measures.

The reforms are likely to be of particular interest to housebuilders, infrastructure developers, local planning authorities, landowners and environmental consultants. For developers, the principal benefit is the prospect of a more predictable and streamlined planning process. For landowners, the reforms may create opportunities to participate in habitat creation and restoration projects funded through the Nature Restoration Fund (NRF).

Welsh government published the outcome of the fine particulate matter air quality targets consultation

Between the 17 November 2025 and 16 February 2026, a consultation took place on the draft regulations of The Air Quality (Fine Particulate Matter) (Wales) Regulations 2026 to implement stricter targets for fine particulate matter (PM2.5). The Welsh government has now published the [outcome of the consultation](#) and has decided to proceed with the regulations as originally drafted.

The regulations set two targets (the twin-track approach) that aim to reduce PM2.5 pollution:

1. To reduce the Annual Mean Concentration Target (AMCT) of PM2.5 in ambient air to a level of 10 microgrammes per cubic metre by 31 December 2035
2. To reduce the Population Exposure Reduction Target (PERT), which aims to reduce the public's exposure to PM2.5, by 25% by 31 December 2035

The overall theme of responses was that the supporters viewed the AMCT target as ambitious yet achievable and welcomed the twin-track approach. Some wanted faster action and more ambitious targets aligned with the latest World Health Organisation (WHO) guideline of five micrograms of PM2.5. Local authorities stressed the need for funding and national support to achieve the targets.

After reviewing the consultation responses, the Welsh government concluded that there was majority support for the proposed PM2.5 targets, the targets remain appropriate and the regulations will be implemented as originally consulted upon.

Companies operating in the transport and logistics sector, the construction sector, as well as the manufacturing and industrial sectors with combustion processes will be interested in these new regulations.



Waste

Consultation on changes to enforcement and sanctions policy

The Environment Agency (EA) is [consulting](#) on proposed changes to its enforcement and sanctions policy, reflecting several new and expanded environmental enforcement powers. The consultation covers both water and waste regulation, and is particularly relevant to businesses operating in the water, waste, packaging and resources sectors. These businesses should review their compliance arrangements in light of the proposed approach, particularly where new reporting, tracking, producer responsibility or licensing obligations apply.

Key proposals include:

- **Water (Special Measures) Act 2025** – A new enforcement framework for the EA's civil sanctions against water companies, including variable monetary penalties (VMPs), automatic fixed monetary penalties and discretionary fixed monetary penalties. The EA proposes applying the civil standard of proof, balance of probabilities, when imposing these sanctions.
- **Greater use of VMPs** – The EA proposes using these for more serious or complex breaches where a financial penalty needs to reflect the circumstances of the offence, rather than applying a fixed amount. The approach is intended to take account of factors, such as the seriousness and consequences of the breach and the offender's circumstances.
- **Automatic fixed monetary penalties for specified offences** – Regulators will only have to rely on the civil standard of proof "on the balance of probabilities", and the penalty would follow once the relevant offence has been established using though this standard of proof. The level of automatic fixed monetary penalties will depend on the level of turnover of the relevant company, ranging from £200 for micro-organisations to £10,000 for very large organisations, with a very large organisation being one with a turnover of £250,000.000 or more.
- Clarify the EA's enforcement approach under the Control of Mercury (Enforcement) Regulations 2017 as to when civil penalties will be used rather than a criminal sanction. The EA assessment will consider, among others, the seriousness of the offence and the actual or potential harm. There is no plan to introduce new mercury specific penalties or enforcement powers.

For water companies, the proposed civil sanctions under the Water (Special Measures) Act 2025 are particularly significant, as they will give the EA additional routes to impose financial penalties without bringing criminal prosecution.

The consultation closed on 4 October 2026, and the EA intends to publish its response within 12 weeks of the closing date.



Corporate Waste Responsibility Bill: Proposed new corporate responsibilities for waste management

[The Corporate Waste Responsibility Bill](#) was introduced in the House of Lords on 4 June 2026, and its next stage is second reading. This is private member's bill looking to strengthen corporate accountability for waste management by requiring certain large companies to designate a director responsible for compliance with the statutory waste duty of care and, in specified circumstances, making companies financially liable for the clean-up of their waste.

Some of the key proposals include:

- **Named director** – Large companies would be required to appoint a named director responsible for compliance with the waste duty of care. The director would need to ensure appropriate systems and controls, including risk assessments and due diligence when appointing waste contractors and report annually to the board. The definition of a large company would be set through subsequent regulations.
- **Record-keeping and reporting** – Companies would have to notify the regulator of the named director and any material breach of the waste duty of care or reasonable suspicion of waste-related criminal activity in their supply chain. Records demonstrating compliance, including information on waste transfer, storage, treatment, disposal and final destination, would need to be retained for at least six years.
- **Financial liability for clean-up and clearance of waste** – Where a company has generated controlled waste, which is subsequently mismanaged, and the company has failed to discharge its waste duty of care, it would be liable for specified clean-up and clearance costs. These could include costs of removing waste, securing sites, preventing further environmental harm and restoring affected land or water. Such costs could be recovered as a civil debt.
- **Enforcement** – Failure by a company to comply with the proposed director and reporting requirements would constitute an offence. A named director could also commit an offence by knowingly or recklessly providing false or misleading information.

Companies that generate or control significant quantities of waste should monitor the progress of this bill, analyse if they fall within the definition of a large company and start reviewing their due diligence policies and their contracts with waste management contractors.

Plastic Packaging Tax: Preparing for the mass balance approach

HM Revenue and Customs (HMRC) has published [guidance](#) on the new mass balance approach for chemically recycled plastic under the Plastic Packaging Tax (PPT), which will apply from 1 April 2027. The approach will allow businesses to attribute chemically recycled plastic to packaging produced using a mixture of recycled and virgin plastic, enabling the recycled content to count towards the 30% recycled-content threshold for the PPT exemption.

The approach will be available where packaging is manufactured in the UK using chemically recycled plastic, or where finished packaging manufactured using chemically recycled plastic is imported into the UK. It is optional, but businesses that do not use the mass balance approach will have to treat the chemically recycled plastic as non-recycled plastic for PPT purposes.

The new rules introduce supply-chain certification and due diligence requirements. Businesses that manufacture or import plastic packaging and are looking to use the mass balance approach will need to ensure that relevant businesses in the supply chain are certified under a scheme meeting HMRC's minimum requirements. They will also need to retain valid certificates and attribution declarations, carry out due diligence on suppliers and maintain relevant records for six years. There will be penalties in place for businesses using this approach without meeting the requirements.

For this purpose, on 6 October 2026, HMRC published a [technical consultation](#) on draft [Plastic Packaging Tax \(Chemical Recycling Certification Schemes\) Regulations 2027](#) and supporting documents for the PPT mass balance approach for chemically recycled plastic. These regulations set out the conditions explained above that businesses must meet if they use a mass balance approach to account for chemically recycled plastic for PPT purposes from 1 April 2027. It includes the methodology for calculating the quantity of recovered material that may be attributed, permits transfers of attributable material between certain connected mass balance processes and makes provision for the treatment of specified dual-use output products.

More detailed guidance will come in early 2027.

Guidance U1: Using waste in construction

Businesses can register a U1 exemption to use suitable waste for construction projects and maintenance work. The exemption is valid for three years from the date of registration. A U1 exemption can be used where waste is being used for a genuine construction or maintenance purpose, such as to:

- Repair, alter, maintain or improve buildings or sites
- Create a noise bund around a new development using crushed bricks, concrete, rocks and aggregate
- Build a track, path or bridleway using road planings, rubble or woodchip
- Carry out drainage works
- Maintain an existing [linear network](#)
- Landscape a site by bringing in soil from somewhere else, if it's part of a construction project

The exemption cannot be used to:

- Carry out standalone landscaping, land raising or land reclamation projects
- Treat waste before use
- Store waste for more than 12 months before it is used
- Use waste types or quantities that are not permitted under the exemption

Recent changes to the U1 exemption have expanded the range of waste materials that can be used for maintaining existing linear networks, such as roads, railways, rivers and canals. In particular, specified dredging spoil may now be used at quantities of up to 100 tonnes per linear mile per year, provided it falls within the relevant waste codes and meets all exemption conditions. This allowance does not apply to all dredging spoil. Operators should check the applicable waste code tables carefully, as certain dredging spoil waste streams remain excluded from the exemption and may require a permit or alternative regulatory authorisation.

Storing waste PFOA-containing firefighting foams and wastes from their decontamination and replacement: RPS 376

The EA has issued a [Regulatory Position Statement \(RPS\)](#) providing interim guidance on the storage of waste firefighting foams containing perfluorooctanoic acid (PFOA) and related decontamination wastes. The RPS has been introduced in response to limited capacity in the UK of high-temperature incineration for the destruction of these wastes, and the prohibition on exporting PFOA foam wastes for disposal (as they are classified globally as a Persistent Organic Pollutant (POP) under the Stockholm Convention).

The RPS applies to operators managing PFOA foam wastes under the non-Waste Framework Directive (NWFD) 2 or NWFD 3 exemptions while awaiting disposal. Operators must ensure wastes are stored securely in appropriate containers with secondary containment, comply with exemption requirements, notify the EA, maintain records for three years and arrange disposal or recovery without undue delay in accordance with the UK POPs Regulations.

The RPS does not alter the underlying obligation to dispose of PFOA-contaminated wastes in compliance with the UK POPs regime. Rather, it provides a temporary regulatory framework to facilitate lawful storage while disposal capacity remains constrained. Businesses should ensure appropriate storage arrangements and disposal contracts are in place, noting that treatment of PFOA wastes, contamination of other waste stream and storage beyond the life of the RPS are prohibited. The EA intends to review the RPS by 5 July 2027.

Businesses storing or wishing to store waste firefighting foams should ensure that both the activity and the waste material fall within the exemption's scope, otherwise a permit or alternative exemption may be required.



Water

Ofwat consultation on a new Water Governance Code

In July 2026, the Office of Water Services (Ofwat) launched a [consultation](#) on the introduction of a new statutory Water Governance Code. The consultation forms part of the ongoing governance reforms being implemented following the [Water \(Special Measures\) Act 2025](#), which gave Ofwat new powers to introduce rules relating to remuneration and governance in the water sector. Ofwat's proposals reflect growing regulatory and political scrutiny of governance arrangements within the water sector.

The proposed Water Governance Code would replace Ofwat's existing Board Leadership, Governance and Transparency Principles 2019 and would apply to the 16 largest water and sewerage undertakers in England and Wales. It is proposed that the Water Governance Code will apply to companies in-scope from the financial year beginning 1 April 2028.

The consultation, which closed on 10 September 2026, sought views on a range of governance reforms intended to strengthen accountability, transparency and board independence. Key proposals included:

- Requiring greater transparency where decision-making powers are reserved to parent companies or shareholders rather than the regulated water company itself
- Introducing a formal definition of independence for independent non-executive directors (INEDs)
- Restricting individuals from acting as INEDs where they also sit on the boards of other companies within the same corporate group
- Prohibiting future allocations of shares to INEDs and board chairs in companies within the same group
- Requiring board chairs to satisfy the same independence standards as INEDs
- Increasing the proportion of INEDs on water company boards
- Requiring water companies to establish their own dedicated audit, remuneration and nomination committees, rather than sharing committees across group companies

Companies should monitor the forthcoming response to the statutory consultation closely and begin assessing whether existing governance arrangements, board composition, committee structures and reporting processes would comply with the anticipated requirements.



Chemicals

Consultation outcome: Amendments to the Persistent Organic Pollutants (POPs) Regulation 2026

The government has [published](#) its response to the consultation on proposed amendments to the assimilated POPs Regulation, confirming its intention to implement recent additions to the list of internationally controlled POPs under the Stockholm Convention. The consultation received 25 responses from industry bodies, businesses and other stakeholders, with respondents generally supporting the UK's continued implementation of its international obligations.

The consultation focused on proposals to prohibit five substances in Great Britain and add them to Annex I of the POPs Regulation:

- Medium-chain chlorinated paraffins (MCCPs)
- Long-chain perfluorocarboxylic acids (LC-PFCAs)
- UV-328
- Dechlorane Plus (DP)
- Chlorpyrifos (an insecticide used on fodder crops and grassland)

Views were also sought on amendments to existing restrictions affecting perfluorooctane sulfonate (PFOS), and the UK's future approach to identifying and assessing substances that may be added to the POPs regime.

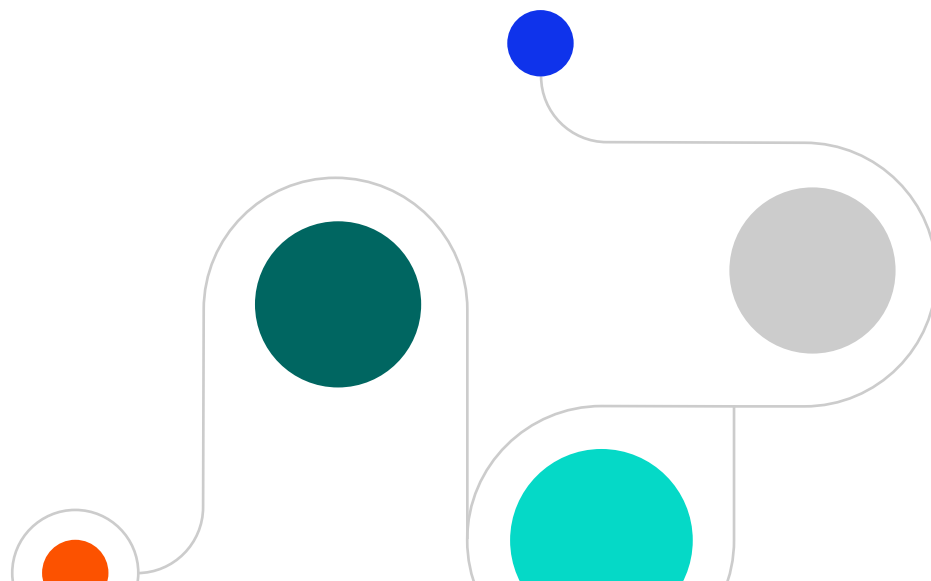
Of particular note, the consultation also considered the implications of recent EU amendments relating to polybrominated diphenyl ethers (PBDEs), which entered into force on 17 November 2025, and progressively reduce permitted concentration limits for PBDEs in recycled materials, toys and childcare products. The changes may be particularly relevant to electronics recycling, recycled plastics and furniture waste streams. However, the consultation outcome did not propose equivalent amendments for Great Britain at this stage, with Department for Environment, Food and Rural Affairs (Defra) indicating that stakeholder evidence will continue to inform future policy development.

Respondents raised several practical concerns, including the availability of alternatives to the identified substances, appropriate transition periods, evidential requirements and the potential implications of regulatory divergence between Great Britain and Northern Ireland. In response, the government reiterated its longstanding policy of implementing agreed amendments to the Stockholm Convention and confirmed its intention to proceed with the proposed changes.

As such, while the proposed restrictions will generally prohibit the manufacture, placing on the market and use of the affected substances, the government intends to implement the Stockholm Convention's existing time-limited exemptions, including for certain specialist industrial, medical, aerospace and semiconductor applications where suitable alternatives are not yet available

Importantly, Defra has confirmed that it intends to bring forward a Statutory Instrument (SI), in October 2026 (coming into force on 16 December 2026), to amend the assimilated POPs Regulation and implement the new restrictions. Businesses using affected substances should therefore begin reviewing supply chains and compliance arrangements ahead of implementation, noting that certain transitional arrangements and Stockholm Convention exemptions may apply. The government also indicated that stakeholder feedback will continue to inform decisions on exemptions, unintentional trace contaminant limits and the future regulation of emerging POPs.

Although the consultation outcome largely confirms the government's intended direction of travel, it demonstrates that chemical regulation remains an active and evolving area of environmental compliance, where we may see divergence with EU chemical regulation. The proposals will be of particular interest to manufacturers of products containing these substances, importers, chemical suppliers and waste management operators, especially where affected substances may be present within products, components or waste streams. Businesses should monitor the forthcoming SI closely and review supply chains to identify any potential compliance implications arising from the new restrictions.



Latest updates on per- and polyfluorinated substances: August update

Regulatory measures on per- and polyfluorinated substances (PFAS) continue to progress in the UK and the EU. The limits on the presence of PFAS in food contact packaging became applicable in the EU on 12 August 2026 as part of the implementation of the Packaging and Packaging Waste Regulations (PPWR), which is also applicable in Northern Ireland.

In the UK, the Health and Safety Executive (HSE) [has updated](#) the list of chemicals subject to the GB PIC regime (changes applicable from 28 August 2026). It has added perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds to Part 3 of the GB PIC list.

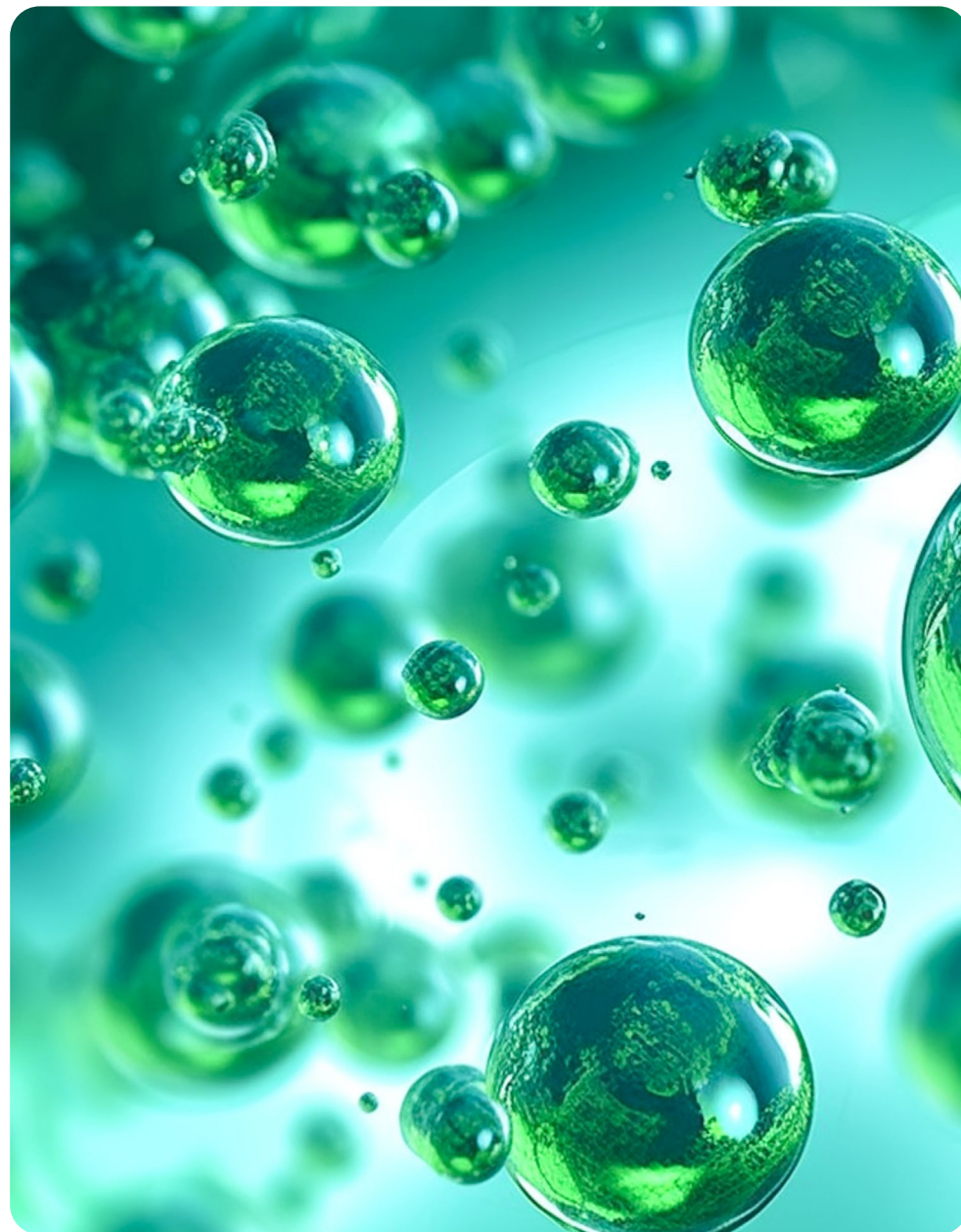
For further information on this and other PFAS updates, please read our [Sustainability in Business blog](#).

UK REACH: Technical consultation on the Alternative Transitional Registration Model

The UK government has launched a technical [consultation](#) on draft legislation to implement the Alternative Transitional Registration Model (ATRM) for UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The consultation seeks stakeholder views on draft legislative provisions that would implement policy decisions announced earlier this year (that we [reported on previously](#)) and amend the existing UK REACH regime through a future SI.

The ATRM is intended to create a more proportionate registration regime for transitional substances by reducing the hazard information that registrants must routinely submit to the HSE, while retaining powers for the regulator to request additional information where necessary to assess risks to human health and the environment. The government is particularly seeking evidence of any drafting issues, ambiguities, omissions or unintended consequences before the legislation is finalised.

The consultation is likely to be of particular interest to chemical manufacturers, importers and downstream users, many of whom have been awaiting greater clarity on the future operation of UK REACH. The consultation closes on 10 November 2026. This is significant because the consultation represents the next step in the reform of UK REACH and will influence the data submission requirements and compliance costs for businesses registering transitional substances.



Climate change and sustainability reporting

Modernising corporate reporting: The shift from ESG reporting to sustainability-related financial disclosure

On 7 September 2026, the government launched its [consultation on modernising corporate reporting](#). The consultation runs until 30 November 2026, and proposes wide-ranging changes to the UK's corporate reporting framework, including the provisions that currently underpin non-financial reporting, or what has become known as environmental, social and governance (ESG) reporting.

This briefing focuses on the sustainability-related reporting proposals within the consultation and taken as a whole, the consultation points towards a reporting framework that places greater emphasis on investor decision-useful information and financially material sustainability risks and opportunities. This is consistent with the publication of the UK's Sustainability Reporting Standards (SRS), UK SRS S1: General Requirements for Disclosure of Sustainability-related Financial Information and UK SRS S2: Climate-related Disclosures, which were endorsed and published by the government on 25 February 2026, and are currently available for voluntary use.

While the consultation does not propose mandatory reporting against UK SRS, it may signal a future pathway towards broader adoption of UK SRS-based reporting within the UK's corporate reporting framework.



1. Potential reframing of large parts of existing non-financial reporting requirements

Many of the UK's existing ESG reporting requirements are currently found in Sections 414C and 414CB of the Companies Act 2006.

Section 414C

Under Section 414C(7), quoted companies¹ must currently report, or explain why they have not reported, certain ESG information in their strategic report where such disclosure is necessary for an understanding of the development, performance or position of the company.

These disclosures include information on:

- Environmental matters (including the impact of the company's business on the environment)
- The company's employees
- Social, community and human rights issues
- Related policies and the effectiveness of those policies

The consultation proposes removing these prescriptive disclosure requirements and replacing them with a more principles-based strategic reporting framework. The proposed "baseline strategic report" would enable companies to explain their performance, strategy and risks in a way that focuses on issues important to their ability to generate value.

In practice, this means that ESG issues would not disappear from corporate reporting. Rather, companies would be expected to disclose ESG matters where they are material to the company's strategy, performance, risks and long-term value creation. This approach is closely aligned with the International Sustainability Standards Board (ISSB) framework and with the UK SRS standards, which focus on sustainability-related risks and opportunities that affect enterprise value and investor decision-making.

The consultation also proposes replacing the Section 172(1) statement with disclosures relating to resources and relationships, further reinforcing the move towards financially material strategic reporting. This represents a significant shift away from a stakeholder-focused reporting model towards a model based primarily on financial materiality, and alignment with international trends.

¹ A quoted company means a UK incorporated company whose equity share capital is officially listed in the UK, a European Economic Area (EEA) state or admitted to dealing on the NYSE or NASDAQ stock markets.

Section 414CB

Section 414CB currently sets out the content requirements for the non-financial and sustainability information statement applicable to certain public-interest entities, including quoted companies, banks and insurers with more than 500 employees.

The current requirements include reporting on:

- Environmental matters (including the impact of the company's business on the environment)
- Employee matters
- Social matters
- Respect for human rights
- Anti-corruption and anti-bribery matters
- Related policies and due diligence processes
- Outcomes of those policies
- Principal risks and adverse impacts arising from business relationships, products and services
- Non-financial key performance indicators

The consultation proposes removing much of this prescriptive ESG reporting framework and replacing it with a broader strategic reporting model centred on performance, strategy, risks and value creation. Again, the focus would move away from mandatory topic-based disclosures towards reporting on ESG matters that are financially material to the business.

One of the most striking features of the consultation is that it does not seek to eliminate sustainability reporting; rather, it seeks to place greater emphasis on sustainability information that is relevant to strategy, risk and long-term value creation

2. Climate-related financial disclosures are not affected

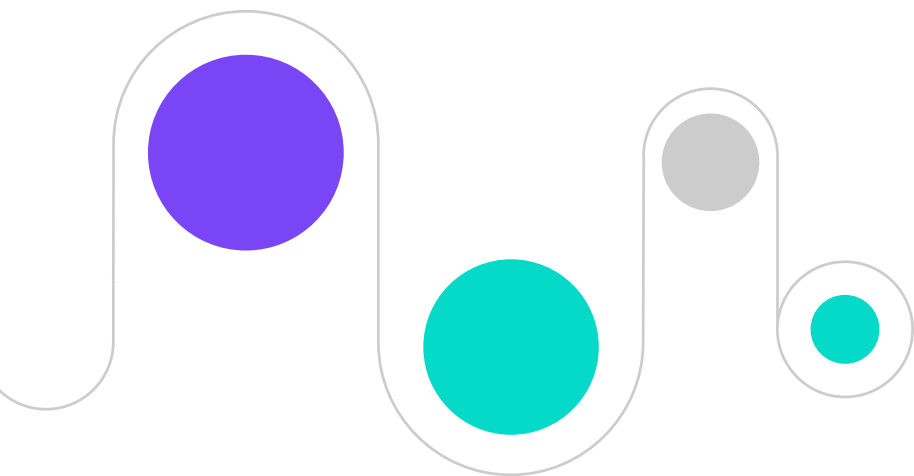
Importantly, the consultation expressly excludes from reform the existing climate-related financial disclosure requirements contained in sections 414CB(A1), (2A) and (4B) of the Companies Act 2006. The government states that these requirements are currently subject to a separate post-implementation review, and that no proposals regarding their future are included in this consultation.

These climate-related financial disclosures (CFD) currently require reporting on the basis of Task Force on Climate-related Financial Disclosures (TCFD), namely reporting on:

- Climate governance, risks and opportunities
 - Climate-related risks and opportunities
 - Risk management processes
 - Impacts on strategy and business model
- Climate-related metrics and targets

The consultation is, however, seeking views on where sustainability-related financial disclosures should be located within annual reports and accounts. It proposes greater flexibility, allowing climate and sustainability information to be included throughout the strategic report, within a dedicated sustainability section of the strategic report or potentially elsewhere within the front end of the annual report.

The consultation further recognises that certain listed companies may become subject to both the existing Companies Act climate-related financial disclosure regime and the Financial Conduct Authority's [\(FCA's\) sustainability disclosure requirements](#). The government notes that companies may in due course be able to use UK SRS disclosures to satisfy aspects of their Companies Act climate disclosure obligations, helping to reduce duplication and improve consistency across reporting frameworks. The consultation also refers to the FCA's work to align listed company sustainability disclosures with UK SRS. That process has now culminated in the FCA publishing final rules requiring in-scope listed issuers to disclose sustainability-related and climate-related financial information by reference to UK SRS S1 and UK SRS S2 on a comply-or-explain basis. The new regime will replace the FCA's existing TCFD-based disclosure framework for accounting periods beginning on or after 1 January 2027.



3. Transition plans remain under consideration

Although the consultation does not propose new transition plan reporting requirements, it repeatedly refers to the government's separate [consultation on climate transition plans](#).

In particular, the government notes that it sought feedback on the extent to which UK SRS S2: Climate-related Disclosures provides useful information on the contents of a transition plan.

This suggests that the government continues to view transition plans as an important component of the future UK sustainability reporting framework and sees a close relationship between:

- Climate-related financial disclosures
- Transition plans
- UK SRS S2

However, the location, content and legal framework for transition plan reporting remains subject to separate consultation processes and no decisions have yet been taken.

What does this tell us about the future of ESG reporting in the UK?

The government's direction of travel is becoming increasingly clear. Rather than requiring companies to report against a prescribed list of ESG topics, future reporting is likely to focus on sustainability-related matters that are financially material to investors and creditors.

This does not mean that ESG reporting will disappear. On the contrary, ESG issues that affect strategy, risk, resilience or long-term value creation will remain highly relevant.

For example, environmental impacts are likely to remain central to reporting by mining, energy and infrastructure companies, while human rights and supply chain issues may continue to be highly material for sectors such as textiles, consumer products and manufacturing.

Climate-related reporting is clearly here to stay. The consultation strongly suggests that future reforms will seek greater coherence between climate-related financial disclosures, transition plan reporting and the newly endorsed UK SRS. Any decision to replace, integrate or streamline the existing CFD regime would follow the separate post-implementation review and would require further consultation.

The location of those disclosures is also under review, with the government proposing greater flexibility as to where sustainability and climate-related information appear within annual reports.

Companies and stakeholders wishing to influence these reforms have until 30 November 2026 to respond to the consultation.

ESOS Phase 4: New requirements for energy efficiency reporting

The EA has published [updated guidance](#) on the Phase 4 compliance period of the Energy Savings Opportunity Scheme (ESOS), following amendments to the Energy Savings Opportunity Scheme Regulations 2014 that came into force on 22 July 2026. The changes strengthen the scheme's focus on demonstrating actual progress in improving energy efficiency, and introduce additional reporting requirements for in-scope businesses.

ESOS requires large undertakings to calculate their total energy consumption, carry out energy audits and identify where energy savings can be made. For Phase 4, an organisation will qualify if on the qualification date (31 December 2026) it meets the definition of a large undertaking. This includes a UK company with either 250 or more employees; or an annual turnover exceeding £44 million and an annual balance sheet total exceeding £38 million.

Some of the key amendments introduced are:

- Display Energy Certificates (DECs) and Green Deal Assessments (GDAs) can no longer be used as ESOS compliance routes. Businesses must instead comply through an ESOS energy audit or qualifying ISO 50001 certification, if relevant requirements are met.
- **Action plan review requirements** – A review of the action plan has been introduced, requiring businesses to demonstrate what has been done in response to previous ESOS recommendations, and to explain where proposed measures have not been implemented. The amendment introduces a third progress update on the action plan, due by 5 December 2031. Businesses will need to maintain appropriate records of implementation and energy savings beyond the initial Phase 4 notification.

Companies in-scope should review their previous ESOS commitments and actions plans ahead of the Phase 4 compliance deadline coming up in December 2027.

Products

Regulations permit limited uses of cobalt in toys

The [Toys \(Safety\) \(Permitted Uses for Cobalt\) \(England and Wales and Scotland\) Regulations 2026](#) amend [The Toys \(Safety\) Regulations 2011](#) (Toy Safety Regulations 2011) to introduce specific exemptions allowing the presence of cobalt in certain toy components (Toy Safety Regulations 2026). The Toy Safety Regulations 2026 will come into force on 8 March 2027, and extend to England and Wales and Scotland. The Toy Safety Regulations 2026 address concerns that the existing restrictions may have unnecessarily restricted the use of materials where the associated risks are considered tolerable.

The Toy Safety Regulations 2026 amend Appendix A of Schedule 2 to the Toy Safety Regulations 2011 to create limited exemptions for specific uses of cobalt.

The newly permitted uses relate to:

- Toys and toy components made of stainless steel
- Cobalt present as an impurity in the nickel contained within stainless steel
- Components intended to conduct an electric current
- Neodymium-based magnets used in toys, provided those magnets cannot be swallowed or inhaled

In addition to introducing the exemption discussed above, the Toy Safety Regulations 2026 make a consequential amendment to update the reference to [Directive 2009/48/EC](#) on the safety of toys. The [explanatory memorandum](#) to the Toy Safety Regulations 2026 states that this amendment is intended to ensure the continued recognition of CE-marked toys in Great Britain.

The practical impact of the Toy Safety Regulations 2026 is likely to be most relevant for manufacturers, importers and distributors of electronic toys and products containing stainless steel or neodymium-based magnetic components. Businesses that have previously assessed cobalt-containing materials as noncompliant may wish to review product specifications and conformity assessment documentation in light of the new exemptions. While the amendments are relatively narrow, they provide additional flexibility for manufacturers using stainless steel, electrical components and certain magnet technologies in toys, without removing the broader prohibition on cobalt and other CMR substances in toys.

Deposit Return Scheme: Stepped producer fees introduced

Exchange For Change, the body responsible for delivering the UK-wide Deposit Return Scheme (DRS), has announced a new [stepped producer fee structure](#) ahead of the scheme's launch in October 2027, that will affect producers and retailers of in-scope drinks containers.

Producer fees will be set at 0p for all drinks containers during the first 15 months of the scheme, from October 2027 to December 2028. This is intended to help businesses manage the initial costs of implementation.

From January 2029, the proposed fees are:

- 0.6p per container for aluminium and steel drinks containers
- 2.3p per container for polyethylene terephthalate (PET) plastic bottles

The fee levels are based on current modelling and will be reviewed, validated and reconfirmed in May 2027 before the scheme launches.



OPSS publishes their research and analyse on the cost of compliance with regulations for businesses

On 23 September 2026, The Office for Product Safety and Standards (OPSS) published their [research and analysis on the cost of compliance for businesses](#), which provide insight into the costs that businesses incur in complying with product regulations enforced by OPSS. Of particular relevance is the report's discussion of RegTech, defined as the use of technology, including software, data analytics, AI and automation, to help organisations comply with regulatory requirements more efficiently and effectively. Adoption remains relatively limited, with only 5% of businesses reporting investment in RegTech. However, businesses using RegTech reported higher levels of confidence in managing new regulatory requirements than those that do not.

The research should be interpreted with some caution. Although the findings have been weighted to represent around 170,000 businesses, they are based on a survey of only 604 businesses and OPSS itself notes several methodological caveats, including reliance on estimates provided during telephone interviews and challenges in attributing costs to specific regulatory requirements.

In addition, the scope of the research is limited to regulations enforced by OPSS (which include among others product safety, construction products and ecodesign and energy labelling). As a result, it is unlikely to capture many of the wider packaging compliance costs faced by businesses, including those arising from packaging Extended Producer Responsibility (pEPR), the PPT, Packaging Recovery Notes (PRNs) or the forthcoming EU PPWR.

Similarly, the research focuses on businesses operating within the OPSS regulatory sphere in Great Britain, and is unlikely to reflect the full costs associated with placing products on the market in the EU or other overseas jurisdictions. Consequently, the overall compliance burden, particularly for larger and internationally active businesses navigating multiple regulatory regimes, is likely to be underrepresented in the report.



Call for evidence published for the Digital Product Record Policy

The Department for Business and Trade (DBT) published [a call for evidence on Digital Product Record \(DPR\) policy](#) on 27 July 2026, seeking views on whether and how the UK should develop a domestic framework for the digital provision of product information. It closed on 21 September 2026.

A DPR is a digital record containing information about a product that can be accessed by relevant parties throughout the product's lifecycle. The government is considering DPRs as a means of streamlining regulatory and compliance information, while improving product traceability and transparency for consumers and market surveillance authorities.

Under the EU's Ecodesign for Sustainable Products Regulation (ESPR), EU's Digital Product Passport (DPPs) can contain information including product composition, manufacturing location, environmental impact, repairability and recyclability.

This is particularly relevant to businesses operating across Great Britain, Northern Ireland and the EU. EU DPP requirements will apply in Northern Ireland under the Windsor Framework, and UK businesses exporting to the EU may also be subject to the relevant EU requirements.

The first mandatory EU DPP requirements are expected to apply to batteries from February 2027, with requirements for other sectors being introduced progressively. Areas identified for further EU measures include electronics and Information and Communications Technology (ICT), textiles, furniture and mattresses, detergents, construction products, aluminium, steel and certain energy-related products.

This call for evidence is intended to decide to introduce a mandatory DPR framework for Great Britain and does not specify the type of products but proposes a UK-wide framework for all types of goods.

The government is also considering how a domestic system could interact with existing and emerging EU requirements, particularly given the potential for businesses to face different DPR requirements in Great Britain, Northern Ireland and the EU.

Key issues on which evidence was sought include:

- The costs of collecting, verifying and maintaining product and supply-chain data
- Labelling and packaging changes, including the use of QR codes or other data carriers
- Availability and quality of information from suppliers
- Protection of commercially sensitive and confidential information
- Interoperability between UK and EU systems
- Impacts on cross-border supply chains
- Consumer access to and protection in relation to digital product information
- Potential environmental benefits, particularly for resource efficiency, repair, reuse and recycling.

Businesses supplying products into the EU or Northern Ireland should already be considering the implications of emerging EU DPP requirements, particularly where their products fall within sectors subject to EU measures.

Green claims

Green claims and ASA rulings

In September, the Advertising Standards Authority (ASA) opted to publish upheld complaints against three travel companies over the use of the terms “eco”, “eco hotel”, “eco resort” and “eco-conscious resort” in holiday advertising. In each case, the ASA found that consumers would understand these descriptions as environmental claims, but the advertisements failed to explain the basis for those claims, contrary to Committee of Advertising Practice (CAP) Code requirements on environmental claims. The rulings are notable because the advertisers relied on different justifications, none of which the ASA accepted, together illustrating the ASA’s increasingly strict approach to environmental claims.

In the [loveholidays](#) ruling, the ASA argued that “Eco Resort” and “Eco Hotel” were simply part of the accommodations’ trading names, supplied by third-party providers. However, the ASA held that, regardless of their origin, consumers would still view those terms as describing environmental characteristics or benefits, and therefore expect an explanation of what “eco” meant in practice.

Similarly, in [DialAFlight’s](#) advertisement for an island resort, the claim “eco-conscious resort” had been taken directly from information supplied by the hotel. Information was supplied on the resort’s numerous environmental initiatives, including measures relating to waste reduction and recycling, but the ASA found that these were not sufficiently explained in the advertisement itself.



Health and safety

HSE latest work-related fatal injury statistics

The HSE has published its annual data on work-related fatal injury statistics. In the period April 2025 to March 2026 there were a total of 126 worker deaths, down two from the previous year, and apart from the years affected by the coronavirus pandemic, the number is provisionally the lowest number recorded in a single year.

The most common cause of work-related fatal injury was fall from height or being struck by a moving object or vehicle, accounting for 60% of all fatal injuries. Construction, agriculture, forestry and fishing accounted for the highest number of deaths across all industries. Over the five-year period 2021/2022–2025/2026, the overall fatal injury rate for self-employed workers was around three times as high as the employee rate. While this gap varies by industry, the rate of fatal injury is generally higher for self-employed workers than employees across all the main industry sectors.

The latest HSE figures for 2024/2025 showed that 59,219 injuries to employees were reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), with 40.1 million working days lost due to work-related illness and workplace injury.

Draft regulations laid to ensure same compensation for dependants as sufferers of mesothelioma and dust-related diseases

The government has laid [draft legislation](#) to ensure dependants of workers who die from asbestos-related and other occupational dust diseases receive the same lump-sum compensation as sufferers, ending the current practice of reduced payments after death.

In 2025, 2,730 sufferers received an award, and a further 300 awards were paid to dependants at the lower rate. The new system will change that. The reforms will also simplify the compensation scheme by introducing a single award structure. Subject to Parliamentary approval, the changes are due to take effect on 31 October 2026.



HSE Launches Surveys on Asbestos and PPE Regulations

The HSE invited employers, workers and industry professionals to share their experiences as part of a review of the [Control of Asbestos Regulations 2012](#) (CAR 2012) and the [Personal Protective Equipment at Work \(Amendment\) Regulations 2022](#) (PPER 2022).

The surveys are designed to help the HSE assess how the regulations are operating in practice and whether they continue to meet their intended objectives.

Review of CAR 2012

As part of its review of CAR 2012, the HSE sought evidence through two surveys focused on the practical management of asbestos risks in the workplace. This review is separate from HSE's recent consultation on asbestos regulations, although evidence gathered during that exercise will also be considered.

The HSE sought views from workers and businesses that may encounter asbestos-containing materials (ACM), including construction workers, maintenance personnel and other tradespeople whose activities could disturb asbestos.

The first survey focused on how asbestos is identified before work begins and seeks to better understand the practical challenges faced by those who may encounter ACM. Specifically, it examined:

- Whether appropriate checks are undertaken to establish if asbestos is present before work starts in areas where ACM may be disturbed
- The barriers to identifying asbestos prior to commencing work, including time and cost pressures, levels of client cooperation, the quality of information provided by client and concerns about losing work if asbestos-related issues are raised
- The extent and adequacy of asbestos awareness training provided to workers, including whether the HSE's estimates of training costs accurately reflect industry experience
- Whether workers have been exposed to asbestos during the previous 12 months
- Broader concerns around asbestos management, including worker exposure, workplace culture and attitudes towards asbestos risks, as well as the impact of potential enforcement action by regulators

In the second survey, the HSE sought feedback from asbestos surveyors, whose work is critical in identifying ACM and providing information that enables duty holders to manage asbestos risks effectively.

The survey sought to gather information on the practical delivery of asbestos surveying and related inspection activities, including:

- The volume of asbestos surveys undertaken across domestic and non-domestic premises, including management surveys, refurbishment and demolition surveys, as well as ACM reinspection and condition checks
- The typical costs associated with carrying out asbestos surveys and subsequent reinspection or condition monitoring activities
- Whether commercial pressures create barriers to delivering high-quality asbestos surveys, such as insufficient time to conduct thorough inspections or to prepare clear and comprehensive reports
- Any additional concerns or challenges experienced by surveyors in carrying out their role

Both asbestos surveys closed on 16 September 2026, and can be accessed here:

[Review of the Control of Asbestos Regulations \(2012\): Identifying presence of asbestos before any work commences](#) and [Review of the Control of Asbestos Regulations \(2012\): Asbestos Surveyors](#).

Review of PPER 2022

The HSE also carried out a review of the PPER 2022 and aimed to understand how the regulations are working in practice and whether they continue to deliver their intended outcomes. The HSE sought views from both businesses that engage limb (b) workers and the workers themselves.

The PPER 2022 requires employers to provide suitable personal protective equipment (PPE), information, instruction and training where PPE is necessary, with the duties extended to eligible limb (b) workers in the same way as employees.

The surveys, that closed on 18 September 2026, can be access here: [Review of Personal Protective Equipment at Work \(Amendment\) Regulations 2022 \(PPER 22\)](#) and [Review of Personal Protective Equipment at Work \(Amendment\) Regulations 2022 \(PPER 22\)](#)

The reviews provide an opportunity for employers, workers and specialist practitioners to influence the direction of asbestos management and PPE requirements. The surveys do not introduce any immediate legal changes, but the evidence gathered will help the HSE assess whether the existing regulations remain effective, proportionate and fit for purpose in today's working environment.

Food

UK proposed ban on energy drinks to under-16s from April 2027

The government has published the [outcome](#) of its consultation on proposals to ban the sale of high-caffeine energy drinks to children in England. The consultation, which ran between September and November 2025, received 1,095 responses from individuals, businesses, public health organisations and enforcement bodies.

The consultation followed concerns about the growing body of evidence linking the consumption of high-caffeine energy drinks by children and young people to adverse health and educational outcomes. The government noted that data suggests that large numbers of children in the UK regularly consume high-caffeine energy drinks, with higher consumption rates reported among children living in more deprived communities.

The consultation sought views on a range of proposals, including the minimum age of sale, the products and retailers that should fall within scope of the ban, the treatment of vending machine sales and the proposed enforcement regime.

Overall, 90% of respondents supported the introduction of an age-based restriction on the sale of high-caffeine energy drinks. Having considered the consultation responses, the government has confirmed that legislation will be introduced to:

- Prohibit the sale of high-caffeine energy drinks to children under 16
- Apply the restriction to drinks, other than tea or coffee, containing over 150mg of caffeine per litre
- Apply the ban across both in-store and online retail settings, while excluding business-to-business sales
- Prohibit the sale of high-caffeine energy drinks through vending machines
- Require enforcement by local authorities

The government intends to implement the ban through secondary legislation under the Food Safety Act 1990. Subject to Parliamentary approval, the restrictions are expected to come into force in April 2027.

While many major retailers have already adopted voluntary restrictions on the sale of energy drinks to under-16s, the consultation outcome confirms the government's intention to establish a consistent mandatory statutory framework across all retailers. Businesses selling energy drinks should review their current age-verification and sales procedures ahead of the legislation being introduced.

Modern slavery

Immigration and Asylum Bill 2026 Update

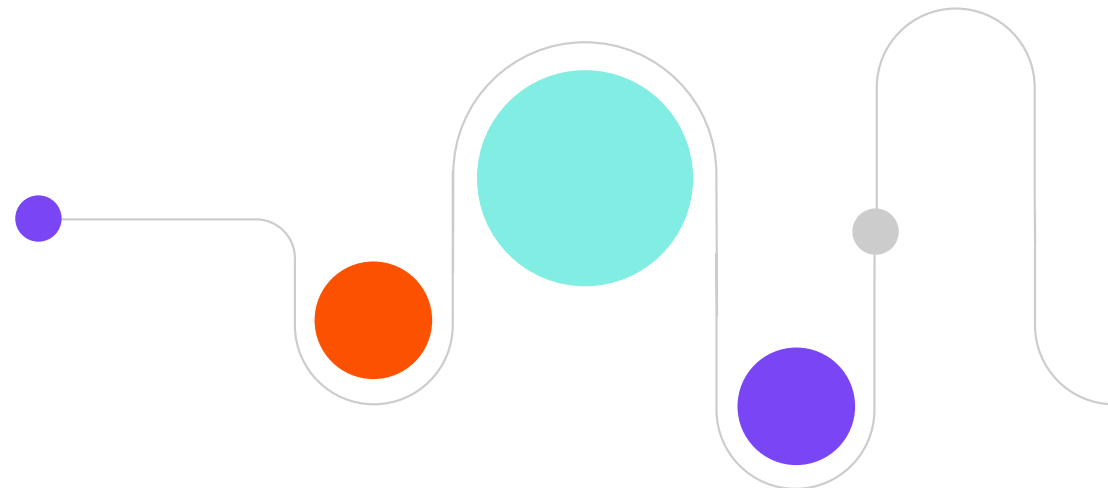
The Immigration and Asylum Bill 2026 (the Bill) is making its way through Parliament, following its [introduction](#) to the House of Commons on 30 June 2026. The Bill proposes significant reforms relating to immigration, asylum and modern slavery, and is currently progressing through the Commons stages before consideration by the House of Lords.

The Bill proposes amending Section 54 of the Modern Slavery Act 2015 (MSA) that currently requires companies carrying business in the UK that have an annual turnover of £36 million or more to publish an annual slavery and human trafficking statement. Right now, there are no sanctions for companies not complying with this requirement.

The proposed amendment seeks to make it mandatory for in-scope companies to report on their supply chain due diligence processes, their policies and risks assessments. The bill includes financial penalties that could amount to the greater of 1% of the organisation's total turnover or £1 million.

This proposal would align the UK more closely with existing legislation in the EU, specifically the Corporate Sustainability Due Diligence Directive (CS3D).

While detailed scrutiny and amendment can be expected as the Bill progresses through Parliament, organisations with international workforces, businesses reliant on migrant labour and those caught by modern slavery compliance obligations should monitor developments closely. The final form of the legislation may have implications for recruitment practices, sponsorship arrangements, workforce planning and modern slavery compliance programmes. Businesses should therefore continue to assess potential operational impacts as the legislative process progresses.



Environmental, Safety and Health (ESH) prosecutions

£300,000 fine for company after worker's arm is severed in machinery incident

A clinical waste disposal company has been [fined £300,000](#) and ordered to pay costs of £18,710, after one of its workers severed his arm from the elbow down while unblocking machinery.

To avoid these types of situations, Companies must implement measures to prevent putting employees at risks when clearing blockages and understand how to clean use and clean machines safely through adequate training. Companies should also ensure that sufficient supervision and monitoring is in place.

Waste and recycling company fined £400,000 after woman crushed

A UK recycling company was [fined £400,000](#) and ordered to pay costs of £10,259 after a 22-year-old woman suffered life-changing crush injuries from being struck by a mobile shredder.

Companies should ensure that site traffic is managed properly and that employees understand the risks of site areas. It can easily become common practice for pedestrians to walk in areas close to vehicles and machinery. Companies should have adequate training and appropriate supervision to ensure compliance with such rules.

Company fined £451,500 after worker suffered life-threatening injuries

A fish processing company has been [fined £451,500](#) after an individual suffered multiple fractures and two collapsed lungs when he became entangled in a palletiser machine. This is an automated machine that stacks products onto pallets.

This is a reminder that companies have a legal duty to make sure that machinery is properly and regularly maintained, and that any issues are identified and corrected without delay.

Chemical manufacturer fined £100,000 after employee injured by conveyor machinery

A chemical manufacturing company was [fined £100,000](#) after an employee suffered serious hand injuries when attempting to remove a cardboard box from a running conveyor within a packaging area. His hand became entangled in unguarded machinery, resulting in a broken finger, bruising to several others and injuries requiring surgery. An HSE investigation found that workers could access dangerous moving parts of the conveyor because adequate guarding had not been provided. The HSE investigation found that suitable guarding had not been installed around the powered conveyor, leaving employees carrying out routine tasks able to access dangerous moving parts during normal operations without the proper appropriate isolation measures being implemented.



Water company fined record £900k after coastline sewage spill

A water and wastewater company was [fined £900,000](#) after pleading guilty to five environmental permit offences arising from the discharge of raw sewage into coastal waters over a period of more than 35 hours. The pollution affected multiple bathing waters, prompted public health warnings, contributed to the temporary closure of shellfish beds and had a significant impact on local communities and tourism. An EA investigation found that the incident stemmed from the partial collapse of wastewater infrastructure, which caused sewage to back up through the wider network and be discharged from coastal pumping stations in circumstances that breached permit conditions.

This fine was followed by another on similar facts. Another water company was more recently fined £2.4 million after multiple instances of sewage pollution in the Faversham and Whitstable area between 2019–2021. The charge included releasing untreated sewage, related debris, diesel and waste matter into the sea and a nearby brook. The company failed to report the circumstances and had previously been fined this year on similar offences.

Companies should always be mindful of the importance of maintaining critical infrastructure, monitoring asset integrity, planning for system failures and ensuring that permit requirements continue to be met during operational incidents and periods of increased system pressure.

Pollution incidents end in £2.2 million for charities

A water and wastewater company has agreed to make [payments exceeding £2.2 million](#) to environmental charities after the EA accepted two enforcement undertakings relating to unauthorised sewage discharges and breaches of permit conditions governing ammonia levels in treated effluent. The incidents involved unlawful sewage releases to a watercourse and failures to comply with environmental permit requirements at wastewater treatment works. Rather than pursuing prosecution, the regulator accepted measures requiring substantial funding for environmental restoration projects, payment of the regulator's costs and actions to prevent recurrence. Recurrence is to be prevented through routine maintenance of the wastewater infrastructure, monitoring permit compliance, responding promptly to operational failures and implementing robust environmental management systems to identify and address pollution risks before they result in permit breaches or environmental harm.





Waste

The European Commission opens public consultations on Waste Shipment Regulation

On 18 September 2026, the European Commission (Commission) opened a [public consultation](#) on a draft list of non- Organisation for Economic Cooperation and Development (OECD) countries that could be authorised to import non-hazardous waste from the EU after May 2027.

Under rules introduced under the new Waste Shipment Regulation, exports of non-hazardous waste to non-OECD countries will only be permitted where the importing country has formally requested continued access to EU waste streams and demonstrated its ability to manage that waste in an environmentally sound manner. The Commission has received requests from 32 non-OECD countries and has published both a [draft list of countries](#) and an accompanying assessment [report](#). The Commission is now seeking feedback from all interested parties, with the public consultation open until 16 October 2026.

The above consultation follows [public consultations](#) opened on two further draft delegated regulations proposing changes to the classification of certain waste under the Waste Shipment Regulation. The proposed measures aim to facilitate shipments for recovery within the EU by allowing additional non-hazardous waste streams to move under general information requirements rather than the more burdensome prior notification and consent procedure.

The affected waste streams include certain treated electrical and electronic waste (e-waste), textile mixtures, fibre-reinforced polymer composites, construction and demolition metal waste, mattresses, permanent magnets and metal waste from end-of-life vehicles. Untreated non-hazardous e-waste would remain subject to prior notification and consent requirements.

Adoption by the Commission is currently planned for the fourth quarter of 2026. The proposals are likely to be of particular interest to all companies producing waste for export, waste shipment operators, recyclers and recovery facilities involved in cross-border waste management activities.



Work underway by the European Commission on legal acts regarding PPWR's minimum plastic recycled content targets

In August 2026, the European Commission published a call for evidence surrounding minimum plastic recycled content targets under the Packaging and Packaging Waste Regulation (PPWR).

The initiative covers three related acts: the calculation and verification of plastic recycled content in packaging; sustainability criteria for plastic recycling technologies and conditions for importing plastic recyclates or articles with incorporated plastic recycled content from non-EU countries.

Stakeholders were invited to provide feedback via the [Have Your Say](#) portal, including relevant published and pre-print scientific research, analyses and data. The feedback period closed on 16 September 2026.

The feedback received is set to inform the preparation of the new legal measures, which are currently scheduled for adoption by the end of 2026, although some delay would not be unexpected given the technical complexity of the regime.

The developments will be closely watched by packaging manufacturers, plastics producers, recyclers and brand owners using plastic packaging to package their products.

The European Commission issues significant PPWR FAQ update days prior to 12 August application date

On 3 August 2026, the European Commission (Commission) published a substantially updated [FAQ](#) document on the Packaging and Packaging Waste Regulation (PPWR), providing important clarifications ahead of the regulation's application from 12 August 2026.

Of particular significance, the Commission has introduced a new section addressing enforcement during the initial phase of PPWR application. The guidance emphasises that the 12 August application date should not unnecessarily disrupt trade flows, supply chains or consumer access to goods. It also indicates that, where a noncompliance is identified, authorities should first provide the relevant economic operator with a reasonable opportunity to remedy the breach before resorting to more stringent enforcement measures.

The FAQs further confirm that packaging produced before 12 August 2026, but not yet placed on the market does not need to be destroyed, remanufactured or relabelled, and that the marking requirements applicable from 12 August may be satisfied through an accompanying document.

The document also contains important clarifications regarding the allocation of manufacturer responsibilities. In relation to own-brand products, the Commission states that where packaging or packaged products are manufactured under an ordering party's name or trademark, the ordering party is generally deemed capable of determining the packaging characteristics and may therefore be considered the manufacturer under the PPWR. According to the guidance, this principle applies even where standardised packaging is used and no design or production changes are requested. This clarification is particularly relevant for own-brand retailers, some of whom have argued that responsibility should instead rest with their suppliers in such instances.

The FAQs also address the treatment of transport packaging. In particular, the Commission clarifies that suppliers of unbranded cardboard boxes supplied flat and rolls of pallet wrap should generally be regarded as the manufacturer. This differs from guidance issued by the European National Registers (EUNR) in June 2026, which suggested that the filler using such packaging materials should be considered the manufacturer.

Companies placing packaging or packaged products on the EU market should review the updated FAQs carefully and assess the implications of the Commission's clarifications as part of their ongoing PPWR compliance activities.

Water

Extended producer responsibility beyond waste: AG Kokott's opinion proposing partial annulment of the Urban Wastewater Treatment Directive a watershed?

Few concepts have shaped EU environmental law as profoundly as the polluter pays principle.

Despite its apparent simplicity, its implementation continues to raise a number of questions, such as who qualifies as the "polluter" and which mechanisms, from taxes to extended producer responsibility (EPR) schemes, should be used to transfer the costs of environmental protection to those deemed responsible for the resulting impacts.

These questions are becoming increasingly relevant as the EU relies on, and is expected to further expand the use of extended producer responsibility schemes beyond their traditional role in waste management.

That question has now reached the European Court of Justice in Case C-193/25 concerning the [Urban Wastewater Treatment Directive](#) (UWWTD) and the [Opinion](#) delivered by Advocate General Kokott on 3 September 2026 may prove to be one of the most significant developments in recent years regarding the boundaries of the polluter pays principle, and the conditions under which extended producer responsibility schemes may be used to implement it. If her Opinion is followed by the court, it may reshape future work related to EPR, as her recommendation is for the partial annulment of the UWWTD based on a misapplication of how to apply that core principle.

For further information on the Advocate General Kokott's Opinion, please read our analysis in our [blog](#).



Products

The Digital Product Passport Registry is now available

On 17 July 2026, the European Commission published [Commission Implementing Regulation \(EU\) 2026/1778](#), laying down detailed arrangements for the functioning of the Digital Product Passport (DPP) Registry established under the Ecodesign for Sustainable Products Regulation (ESPR).

The DPP is a central element of the EU's sustainable product policy and is being progressively introduced across a growing number of product categories. In addition to products covered by the ESPR, such as textiles, iron and steel or energy-related products, DPP requirements are also being developed for specific product groups, including certain batteries, construction products, toys or detergents for instance.

The DPP registry is a key component of that framework, as economic operators are required to register each Digital Product Passport in the registry. To support its operation, the implementing regulation establishes detailed rules on user verification, access management, data storage and other operational aspects of the registry.

The DPP Registry has been operational since 20 July 2026.

Commission publishes guidance to support preparations for the Digital Batteries Passport

In August 2026, the European Commission published an updated guidance document to help stakeholders prepare for the implementation of the Digital Batteries Passport under the Batteries Regulation.

From 18 February 2027, each electric vehicle (EV) battery, light means of transport (LMT) battery and each industrial battery with a capacity greater than 2 kWh that is placed on the market or put into service shall have a battery passport.

The guidance provides a structured overview of the data elements associated with the battery passport and clarifies whether individual data points are mandatory, optional, conditionally applicable or not required when the obligations first become applicable in February 2027.

Impacted manufacturers should review the guidelines to ensure compliance by February 2027, when the passport requirement starts to apply.

Right to Repair Directive enters into application across the EU

Adopted on 13 June 2024, [Directive \(EU\) 2024/1799](#) on common rules promoting the repair of goods (R2R Directive) has applied since 31 July 2026. Member states were required to transpose and apply the directive by that date. However, despite the application date having been reached, several member states have yet to complete the transposition of the directive into national law, which may delay its full and uniform implementation across the EU.

The directive establishes a new obligation for manufacturers to repair certain products that are subject to reparability requirements under EU law and listed in Annex II to the directive, including products such as washing machines, dishwashers, smartphones, tablets, vacuum cleaners and electronic displays. Under the directive, manufacturers must carry out repairs within a reasonable time and for a reasonable price, provide access to spare parts and repair-related information and must not use contractual terms, software or hardware restrictions that unjustifiably prevent repair.

The directive also introduces measures designed to encourage consumers to choose repair over replacement, including a minimum 12-month extension of the legal guarantee where a product is repaired during the liability period. In addition, manufacturers are required to make information on repair services and indicative repair prices easily accessible to consumers.

Two further key features of the regime concern the introduction of a standardised European repair information form, intended to improve transparency regarding repair costs and conditions, as well as the creation of a European online repair platform, expected to become operational from 2027,

The legislation has significant implications for manufacturers, importers and after-sales service providers. Impacted businesses should urgently review their repair processes, spare-parts policies and consumer-facing communications to ensure compliance with the new requirements, if they have not already done so.

The European Commission updates product scope of the EU Deforestation Regulation

On 17 September 2026, the European Commission published [Commission Delegated Regulation \(EU\) 2026/2102](#), amending Annex I to the EU Deforestation Regulation (EUDR), which lists the commodities and products falling within the scope of the regulation.

The Delegated Regulation extends the scope of the EUDR to certain additional products, including soluble coffee. At the same time, it removes several products from the list, ranging from product samples to certain leather goods. It also provides clarifications regarding the treatment of packaging, marketing materials and the application of the waste exemption. The Delegated Regulation entered into force on 18 September 2026. However, for products newly in-scope of the EUDR, the relevant provisions will apply only from 30 December 2027.

Commission launches consultation on ecodesign requirements for iron and steel products

The European Commission has launched a [public consultation](#) on future ecodesign requirements for iron and steel products under the Ecodesign for Sustainable Products Regulation (ESPR). The consultation seeks stakeholder views on potential measures relating to circularity and recyclability, low-carbon steel, sustainability information and the Digital Product Passport (DPP), as well as decarbonisation across the iron and steel value chain. Feedback can be submitted until 12 August 2026.

In parallel, the commission's Joint Research Centre (JRC) continues work on its preparatory study on iron and steel products. The study aims to provide the environmental and techno-economic evidence base for the currently anticipated delegated act on iron and steel products. The JRC's latest draft reports, including on DPP content, are accessible [here](#).

Green claims

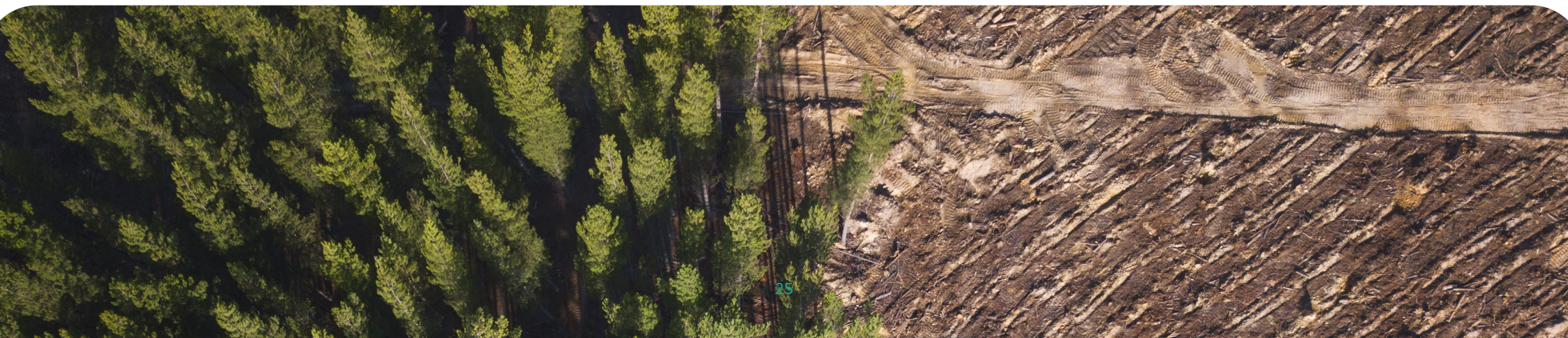
New Rules on green claims, durability and reparability

As of 27 September 2026, [Directive \(EU\) 2024/825](#) on empowering consumers for the green transition (ECGT Directive) through better protection against unfair practices and better information is, in principle, applicable across the EU.

The directive pursues two main objectives:

- First, it amends the [Unfair Commercial Practices Directive](#) to strengthen consumer protection against misleading environmental claims. In particular, it introduces new rules relating to environmental claims and sustainability labels, and prohibits several practices that may mislead consumers regarding the environmental performance, durability or reparability of products. [Include links to previous articles.]
- Second, the directive amends the [Consumer Rights Directive](#) to ensure that consumers receive clearer information at the point of sale regarding the durability and reparability of goods, as well as their legal guarantee rights. In this respect, EU consumers should start seeing new information tools, including the mandatory EU harmonised notice reminding consumers of their legal guarantee rights and the new EU guarantee of durability label, which may be used by producers offering a voluntary commercial guarantee of durability exceeding the legal guarantee period. Both tools were introduced through [Commission Implementing Regulation \(EU\) 2025/1960](#) and become available as of 27 September 2026, alongside the application of the ECGT Directive.

However, despite the directive now being applicable, a number of member states have yet to complete its transposition into national law and just a few days before this important milestone, the European Commission updated its [Frequently Asked Questions](#) (FAQ) document, providing additional guidance on the interpretation and application of the new rules.



Modern slavery

The European Commission publishes guidelines on EU Forced Labour Regulation

On 3 September 2026, the European Commission (Commission) published [guidelines](#) in the EU's Official Journal on the application of the EU Forced Labour Regulation, clarifying the scope of the prohibition, the concept of forced labour, relevant risk indicators and the approach authorities should take when investigating suspected infringements. The Commission has also launched a [Forced Labour Single Portal](#) intended to serve as a central source of information on the legislation.

The regulation will apply from 14 December 2027. It introduces a prohibition on the placing and making available on, or exporting from, the EU market products made with forced labour at any stage of production. In particular, the guidelines provide detail on the investigative and enforcement process, including case prioritisation, evidence gathering, requests for information and the types of information authorities may seek from economic operators when assessing compliance. It also includes measures that may be taken where a product is ultimately found to have been made with forced labour. Such products may become subject to a prohibition decision adopted either by a member state competent authority or by the Commission, depending on where the suspected forced labour is deemed to have occurred.

Although the regulation does not impose specific due diligence obligations, the guidelines emphasise the importance of supply chain due diligence, risk assessment and traceability to enable businesses to demonstrate compliance and respond effectively to investigations.

For more details on the regulation, see our January 2025 [insight](#).



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