

**Meeting of the Council of the International Seabed Authority
27th Session, Part II (July 2022) – Informal working group (Environmental)**

Intervention by the IUCN (22 July 2022, Afternoon Session)

Draft Regulation DR46bis. Environmental impact assessment

Thank you Madam Facilitator.

The IUCN would like to offer a brief comment for now and we will provide our lengthy textual proposals in writing. Our delegation believes that the EIA process as currently envisaged at the Authority remains fraught with many ambiguities and gaps that are process-related, procedural and substantive in nature. Such deficiencies are very problematic because it leaves the specific details relating to the conduct of impact assessment open to interpretation, particularly on the part of applicants or contractors and sponsoring states and their respective roles, which remain blurred. There are many of such “grey areas” not just in DR46bis but in other provisions that cross refer to DR46bis, which will very likely result in varying outcomes across applications and are unacceptable to our delegation. Here, we are especially concerned with the sufficiency of baseline data to feed into and enable the effective assessment of impacts, stakeholder consultations and when these should take place and how feedback from stakeholders are taken into account (or not taken into account) throughout the EIA process as it evolves, as well as the role and powers of the Authority as a regulator acting on behalf of humankind in assessment and decision-making, among others. On a related point, we note that while we are currently discussing the draft exploitation regulations, similar concerns also apply to the exploration phase for activities, where the prior assessment of environmental impacts is also required. As mentioned earlier, our delegation will submit our specific textual proposals in writing.

Thank you, Madam Facilitator.