

ISA 29th Session, Part II – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 47 (former DR 47bis Alt) - Environmental Impact Assessment

We would suggest reversing the sequence of DR 47 on EIA and DR 47bis on Scoping, as process-wise an EIA would be conducted after a scoping report has been prepared.

With regards to **paragraph 1**, we prefer the expression that Guidelines should be taken “*into account*”, noting that this is a cross-cutting language issue where streamlining is required throughout the regulations. Furthermore, we support the proposed reference to DR 46 paragraph 4 and would retain the term “*agreed*” in the text. Maybe this should read “*agreed pursuant to Regulation 47bis*”, to be explicit with regards to what agreement is required for the Terms of Reference for an EIA. Finally, regarding paragraph 1, we seek clarification as to why sub-para (f) has been deleted from the text. We remain open to its inclusion.

We are supportive of **paragraph 2**, but question why paragraph 2(a) refers to activities “*under the jurisdiction or control of a State Party*”. We suggest that this reference to jurisdiction and control could be left out.

In **sub-paragraph 2(b)**, we propose the following slight amendments: instead of “*monitor, mitigate and manage (environmental effects and risks)*” we suggest referring to “*monitor, prevent, mitigate and manage (environmental effects and risks)*”. This terminology (“*prevent, mitigate and manage*”) has already been agreed upon in the context of the BBNJ Agreement.

Finally, in **sub-paragraph 2(d)**, we support the deletion of the terms “*high priority (risks)*”, as the sentence already has a qualifier referring to those risks that “*require particular attention*”.