

Annex IV (EIS)

In general, the UK welcomes the revisions to Annex 4, following the joint restructuring proposal led by the Kingdom of the Netherlands and the UK, which we reported to Council in July 2024. The general approach from this proposal was to avoid duplication and to keep the high-level, introductory paragraph of each section in Annex 4, with the rest proposed to be incorporated into revised Standards and Guidelines as appropriate.

A couple of general comments for the Annex as a whole:

We think that where Decommissioning and Closure are referenced together in this Annex, 'Decommissioning' can be deleted, as the Schedule definition of 'Closure' includes decommissioning. We also think that any references to post-Closure should be deleted.

We also think that where the word 'impacts' is used, this should refer to Environmental Impacts and Environmental Effects, as defined terms, and for consistency.

In section 1, in paragraph 1a, we would prefer the deletion of 'where applicable', to ensure that it is clear that an English-language version should always be made available.

Regards paragraph 1b, and the re-addition of the phrase: 'based on data from, as a general rule, a minimum of 15 years of monitoring'. We are supportive of clearly requiring contractors to fulfil their monitoring obligations under Exploration. However, we are not sure whether this Annex is the appropriate place to set out a requirement such as this. In the context of an Annex, we would prefer an emphasis on whether the data is sufficient, subject to LTC and Council approval.

As such, we suggest that paragraph 1b could read: "Provide information, **based on sufficient temporal data to enable an assessment of the natural variability**, in accordance with [and so on]...", but noting that we would want to also retain the text on 15 years in square brackets until we have had a chance to further consider appropriate wording and placement for this.

In the paragraph describing the Executive Summary, we suggest deleting the words 'One of the main objectives of' at the start of the sentence.

In the section titled 'Description of the proposed project', we prefer the Alt version, as it is clearer, but we note that at sub-paragraph (e) this should just refer to 'Closure', as the Schedule definition of 'Closure' includes decommissioning.

Regards Sections 3.12 and 3.13 - we are happy for these to go into the standards and guidelines, but suggest that they would be better nested within Section 4 under the relevant thematic sections.

In 4, in the final sentence, we think that the phrase 'Environmental Risk Assessment' could be replaced with 'Scoping assessment', in line with our comments on the ERA in Annex 3bis.

The final sentence would then read:

‘The detail in this section is based on the **Scoping assessment prior Environmental Risk Assessment** carried out in accordance with the respective Standard and taking into account the Guidelines, that will have identified the main impacts, and thus the priority elements that need to be considered and assessed in the Environmental Impact Assessment.’

In 5, the final sentence should be retained, for consistency with other similar paragraphs. However, note that we would want to replace ERA with ‘Scoping assessment’, as per our comments on Section 4:

‘The detail in this section is ~~expected to be~~ based on **the Scoping assessment a-prior Environmental Risk Assessment** carried out in accordance with the **respective Standard and taking into account the Guidelines**, that **will have** identified **the main impacts**, and thus the priority elements that need to be ~~considered measured~~ and assessed in the Environmental Impact Assessment.

In 8, there are a number of ALT versions regarding mitigation. We are not yet able to give a view on which we prefer.

As a general point, we note that there are many different ways that ‘mitigate’ or mitigation is referred to throughout the regulations. A proposal was previously received by Africa Group to define Mitigate in the Schedule, and this definition includes the Mitigation Hierarchy. The UK considers that this is a sensible approach instead of listing different mitigation measures in a piecemeal and inconsistent way through the regulations.

The mitigation hierarchy is a widely used tool that guides users towards limiting as far as possible the negative impacts from development projects by working through an agreed hierarchy of mitigation methods.

The UK considers that further work is required by Council to consider how the Mitigation Hierarchy should be implemented in the Exploitation regulations. We have worked with others interested in the technical application of the Mitigation Hierarchy and produced a technical brief which we hope will be useful to Council members when considering this topic. This is now available on the ISA website, and the UK will continue to look into this matter intersessionally.