

# Internationalisation of EIA – possible options

Before we start:

- Based on the ambition to establish an effective EIA system and lessons from existing EIA systems
- The presentation focuses on all activities conducted in the high seas, but may also apply to other activities with effects on high seas
- **Threshold:**
  - not more than a minor or transitory impact: EIA process and decision-making with less internationalisation
  - Possibly more than a minor or transitory impact: stronger internationalisation of EIA process and decision-making at the international level

Preferred option: presumption that all activities may have more than a minor or transitory impact (in view of limited knowledge, precaution), unless excluded through the identification of categories of activities by the COP

## Topics of possible internationalisation

## Options

Determination of the activities that should be subjected to EIA

- Not more than a minor or transitory impact: EIA at national level with international guidance, info-exchange... (see preferred option: only categories identified by the COP)
- More than a minor or transitory impact:
  - Presumption (all activities, unless ..); other options:
  - Threshold with an indicative lists of activities
  - Threshold with exhaustive list of activities
  - Threshold with advice of the Scientific and Technical body
  - Combinations of two or more of the above approaches

| Topics of possible internationalisation   | Options  |
|---|--|
| Internationalisation in relation to scoping   | Approving terms of reference by the Scientific and Technical Body or an Subsidiary Body on Implementation, taking into account the results of consultation of other Parties and the public   |
| International review in relation to the EIA process and report (correct process, quality, completeness, etc.) | International review by the Scientific and Technical body and/or a Subsidiary Body on Implementation   |
| Internationalisation consultation of other Parties and Public Participation                                   | <ul style="list-style-type: none"> <li>• Public participation on the basis of scoping report and draft EIA report, conducted by the Scientific and Technical body or Secretariat</li> <li>• International consultation of other Parties and the public by national competent authorities for projects excluded from international decision-making</li> </ul>   |
| Internationalisation of decision-making on the allowance of activities  | <ul style="list-style-type: none"> <li>• Possibly more than a minor or transitory impact: Decision-making by the COP, taking into account the advice of the Scientific and technical body and the results of EIA process</li> <li>• Not more than a minor or transitory impact: Decision-making at national level (preferred option: only for categories of activities identified by the COP)</li> </ul> |

| Topics of possible internationalisation           | Options   |
|---|---|
| Internationalisation regarding compliance         | <ul style="list-style-type: none"> <li>• Reporting mechanism</li> <li>• International inspections by other Contracting Parties</li> <li>• International compliance committee separate from Scientific and Technical Body (similar to Aarhus Compliance Committee; members nominated by COP, serving in individual capacity)</li> </ul>                              |
| Internationalisation dissemination of information | <ul style="list-style-type: none"> <li>• Public access to all EIA related documentation (incl. e.g., scoping opinions, draft and Final EIA Reports and Decisions)</li> <li>• Collection of all EIA related documentation (incl. e.g., scoping opinions, draft and Final EIA Reports and Decisions) in an EIA Database</li> </ul>                                    |
| Internationalisation regarding monitoring         | <ul style="list-style-type: none"> <li>• Reporting on monitoring results (project level) and making those reports publicly available</li> <li>• Review of monitoring results by Scientific and Technical body</li> <li>• Tools for addressing unexpected adverse effects (e.g., possibility to cancel/stop the activity as an interim measure until COP)</li> </ul> |