

UK Intervention: IWG EIA regulations restructure:

Grateful to Norway and Germany for leading the IWG EIA restructure. Having participated in the IWG, we agree with the proposed general restructure for the regulations pertaining to EIAs in the outcomes report. We also think the facilitator has presented an excellent first redraft based on the outcomes report. We have considered the redraft structure in detail and consider a few sections throughout this new Section 2 could be further relocated to better fit under the headings proposed in the outcomes report.

Overall, we see the structure and order of Section 2 as:

- **Reg on EIA purpose and steps included in the process (from scoping to decision).**
- **Reg on scoping**
- **Reg on conducting impact assessment**
- **Reg on EIS content**
- **Reg on review, update and resubmission.**

The key difference in this list and the current draft regs is inserting a reg on conducting impact assessment between DR47ter and DR48, which is proposed by the IWG, as well as moving the content of DR47bis out of its own reg and into the start of DR47.

Detail of proposals and rationale:

(47 & 47bis): PROPOSE RESTRUCTURE: Regarding Regulation 47, we note the outcomes report states this regulation is to outline the procedural steps of the EIA process, which we agree. However, we also consider this regulation should start with the ‘purpose’ of undertaking such a process. We therefore suggest the content of current DR47 bis outlining the purpose be moved to the start of DR47. This means the new flow of DR47 would be Title: Environmental Impact Assessment process; purpose of doing EIA process, steps included in EIA process.

Propose NEW REG between 47ter and 48: We also consider this first regulation to be a high-level overview of what the procedural steps are in the EIA process, and NOT a detailed list of all the specific elements that need to be included in and undertaken in an EIA. We therefore propose adding a new regulation between DR47ter (scoping) and DR48 (environmental impact statement), as proposed in the structure proposed in the outcomes report called ‘impact assessment’, which would provide the more specific detail of how to undertake the impact assessment.

We note there is a lot of detail in the scoping regulation DR47ter, and DR48 on the Environmental Impact Statement, in particular all the sub paragraphs in paragraph 4 of each regulation.

We agree with the proposal of the working group to have much of the detail from these regulations, including potentially the whole of Annex IV moved to the Standards, where an annex to the Standards would lay out a ‘template’.

We therefore consider it important for Council to now consider what detail currently in these regulations is moved to the Standards. The UK has begun to look into highlighting differing detail-levels within DR47ter and DR48 to inform discussions about what should be retained or moved elsewhere, and if IWG EIA restructure is not to continue, would like to hear from other parties interested in working on this issue.

Furthermore, we consider it is really important that when the S&Gs are considered and reviewed, the steps in the EIA Standards and Guidelines are checked against and aligned with the steps laid out in the EIA regulations as they now diverge. We feel the LTC and potentially their working groups which were set up for the writing of the S&Gs, with the assistance of the Secretariat, could be best-placed to check alignment as the drafters of the S&Gs. We note this task does not only apply to EIA and EIS S&Gs, but across all S&Gs.