

Comments on the draft regulations

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8	Preamble	<p>The preamble of the Convention on Biological Diversity reflects various aspects of the conservation and sustainable use of biodiversity, which may also be relevant for preamble of the draft regulations, including the following:</p> <p>“Affirming that the conservation of biological diversity is a common concern of humankind,”</p> <p>“Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,”</p> <p>“Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,”</p> <p>“Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,”</p> <p>“Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,”</p>
37	47	<p>Work under the CBD to facilitate the description of ecologically or biologically significant marine areas (EBSAs), can prove very useful in the development of the environmental impact statement, in particular with regards to providing a description of the existing biological environment (as referred to in section 5 of annex IV).</p> <p>In this regard, section 5 of annex IV may be revised as follows:</p> <p>“5. Description of the existing biological environment</p> <p>The description of the site should be divided by depth regime (surface, midwater and benthic, where appropriate), and provide a description of the various biological components and communities that are present in or utilize the area <i>and the ecological and or biological significance of these components</i>. The detail in this section is expected to be based on a prior environmental risk assessment that will have identified the main impacts, and thus the elements that need to be emphasized in the environmental impact assessment.”</p>
37	47	<p>With regards to the development of Environmental Impact Statements, the CBD voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas (as contained in</p>

		<p>UNEP/CBD/COP/11/23) provides guidance on biodiversity considerations of each step of the EIA process. In particular, it highlights key questions and considerations to be addressed in each step of the EIA process with regards to potential impacts on biodiversity, including specific considerations in the open-ocean and deep-sea.</p>
37	48	<p>Features described by under the CBD as meeting the EBSA criteria can support the development and implementation of Environmental Management and Monitoring Plans, including by identifying features of significance for which long-term monitoring may be needed.</p> <p>In this respect, paragraph 3 of draft regulation 48 may be revised as follows:</p> <p>“3. The Environmental Management and Monitoring Plan shall cover the main aspects prescribed by the Authority in annex VII to these regulations and shall be:</p> <p>(a) Based on the environmental impact assessment and the Environmental Impact Statement <u>with a view to minimizing adverse impacts on various biological components and communities that are present in or utilize the area;</u>”</p> <p>Similarly, paragraph 2 of annex VII may be revised as follows:</p> <p>“2. 2. An Environmental Management and Monitoring Plan shall contain:</p> <p>(...)</p> <p>(b) A description of the area, <u>as well as the biological components and communities that are present in or utilize the area,</u> likely to be affected by the proposed activities;</p> <p>(...)</p> <p>(e) An assessment of the potential Environmental Effects of the proposed activities on the Marine Environment, <u>including any biological components and communities that are present in or utilize the area,</u> and any significant changes likely to result;</p>
37	47, 48	<p>In 2016, the Conference of the Parties (COP) to the CBD adopted the Voluntary Specific Workplan on Biodiversity in Cold-water Areas within the Jurisdictional Scope of the Convention (COP decision XIII/11, annex II)</p> <p>In the same decision, the COP requested the Executive Secretary, in collaboration with Parties, other Governments and relevant organizations, to facilitate, promote and support the implementation of the workplan by, among other things, facilitating capacity-building activities, subject to available financial resources, and the sharing of information on experiences and lessons learned from the implementation of the workplan, including through collaboration with the Food and Agriculture</p>

		<p>Organization of the United Nations, the International Maritime Organization, the International Seabed Authority, regional seas conventions and action plans, regional fishery bodies and other relevant organizations.</p> <p>The Voluntary Specific Workplan on Biodiversity in Cold-water Areas within the Jurisdictional Scope of the Convention includes various activities of relevance to the development and implementation of the draft regulations, including the following actions:</p> <p>“5.1(c) Assess the degree to which local stressors (such as destructive fishing practices, marine mining, hydrocarbon exploitation, anthropogenic underwater noise, shipping, pollution and bioprospecting) are addressed by existing sectoral regulations, and adjust regulatory frameworks to address these stressors, where appropriate;”</p> <p>“5.2 Strengthen existing sectoral and cross-sectoral management to address stressors on coldwater biodiversity, including from overfishing and destructive fishing practices, pollution, shipping, seabed mining by taking the following actions, as appropriate, and in accordance with national and international laws and circumstances:</p> <p>(...)</p> <p>(d) Avoid, minimize or mitigate the adverse impacts of seabed mining on cold-water biodiversity, in accordance with the instruments, tools and guidelines of the International Seabed Authority with regard to mining in the deep seabed beyond national jurisdiction;</p>
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