Small group discussion

Article 30

Process for environmental impact assessments

1. Parties shall ensure that the process for conducting an environmental impact assessment pursuant to this Part includes the following steps:

 (a) *Screening.* Parties shall undertake screening to determine whether an environmental impact assessment is required in respect of a [planned] [proposed] activity under its jurisdiction or control in accordance with article 24 [and make its determination publicly available]:

 (i) If a Party determines that an environmental impact assessment is not required for a [planned] [proposed] activity under its jurisdiction or control, it shall make information to support that conclusion publicly available through the clearing-house mechanism under this Agreement.

 (ii) A Party may register its [views] [concerns] on a decision published in accordance with subparagraph i with the [Party that made the determination] [and the ] [Scientific and Technical Body] within [insert number] days of the publication.

(iii) The Party that made the determination under (i) shall consider the [views][concerns] provided under (ii) and may review its determination.

[(iv) Upon consideration of the [views] [concerns] registered by a Party under (ii), the Scientific and Technical Body [] [shall] review the decision [on the basis of the best available science and scientific information, [as well][and, where] relevant, traditional knowledge of indigenous peoples and local communities] and, as appropriate, [may make] recommendations to the Party that made the determination. ]

[(v) The Party that made the determination under (i) shall consider any recommendations by Scientific and Technical Body .]

 (b) *Scoping*. Parties shall ensure that [identify] key environmental[, social, economic, cultural] impacts and other relevant issues, including potential cumulative impacts, [impacts in areas within national jurisdiction][[transboundary impacts] as well as alternatives to be included in the environmental impact assessments that shall be conducted under this Part [are identified]. The

 scope shall be defined [after considering public comments and ] by using the best available science and scientific information, [as well as] [and, where] relevant traditional knowledge of indigenous peoples and local communities.]

 (c) *Impact assessment and evaluation.*

 Parties shall ensure that the impacts of [planned] [proposed] activities

 including cumulative impacts and impacts in areas within national jurisdiction are assessed and evaluated using the best available science and scientific information, [as well][and, where] relevant, traditional knowledge of indigenous peoples and local communities

 (d) *Mitigation, prevention and management of potential adverse effects.*

 (i) Parties shall [ensure that][identify] [analyze] measures to prevent, mitigate, and manage [(or offset)] potential adverse effects of the [planned] [proposed] activities under their jurisdiction or control are identified and analysed to avoid significant adverse impacts. Such measures may include consideration of alternatives to the [planned] [proposed] activity under their jurisdiction or control].

 (ii) Parties shall ensure that, where appropriate, these measures are incorporated into an environmental management plan;

 (e) Public notification and consultation in accordance with article 34;

 (f) Preparation and publication of an environmental impact assessment report in accordance with article 35;

2. Parties may conduct joint environmental impact assessments, in particular for activities under the jurisdiction or control of [small island] developing States.

**Option 1**

[3. A Party may designate a third party to conduct [assist with the conduct of] an environmental impact assessment required under this Agreement. Such a third party may be drawn from the [roster] of experts created pursuant to paragraph 4 below. Environmental impact assessments conducted by such a third party must be submitted to the Party for review and decision-making.]

[4. A [roster] of experts [may][shall] be [identified by][created unde]r the Scientific and Technical Body. Parties with capacity constraints may [commission][request advice and assistance from] those experts to conduct and evaluate screenings and environmental impact assessments for a[planned] [proposed] activity under their jurisdiction or control.]

**Option 2**

3. A roster of experts [may] [shall] be [identified by][created under] the Scientific and Technical Body. Parties with capacity constraints may [commission] [request advice and assistance from] those experts to conduct environmental impact assessments for a [planned] [proposed] activity under their jurisdiction or control. The Party that [commissioned][requested the advice and assistance] shall [ensure that such environmental impact assessments are submitted to the Party for review and decision-making] [forward such environmental impact assessments for review by the Scientific and Technical Body and decision-making by the Conference of the Parties.