

De-Minimis Assessment		
For Self-Certified Measures in Defra		
https://assets.publishing.service.gov.uk/media/65420ee8d36c91000d935b58/Better_Regulation_Framework_guidance.pdf		
Title of Measure	Biodiversity Beyond National Jurisdiction (BBNJ)	
Lead Department/Agency	Department for Environment, Food and Rural Affairs	
Expected Date of Implementation		
Date of Assessment	17/11/2025	
Lead Departmental Contact	Kat Toome	
Type of Measure (primary/secondary etc)	Secondary Legislation	
Cost of Preferred Option		
Total Net Present Social Value £1.7 to £8.8m	Business Net Present Value -£0.1m to -£9.9m	Equivalent Annual Net Direct Cost to Business (EANDCB) £0.02m to £1.1m
Policy overview, rationale for intervention and intended effects		
1. Summary of proposal		
<p>The <i>Agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction</i> (the BBNJ Agreement) is a legally binding international agreement adopted on June 19, 2023. The UK signed the Agreement on 20 September 2023. The Agreement aims to ensure conservation and sustainable use of marine biodiversity in Areas Beyond National Jurisdiction (ABNJ), for the present and in the long term, through effective implementation of the relevant provisions of UNCLOS and further international cooperation and coordination. ABNJ is defined in the Agreement as the “high seas” (i.e. all parts of the sea that are not included in an Exclusive Economic Zone (EEZ), territorial sea or internal or archipelagic waters of any state) and the “Area” (defined in UNCLOS as the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction).</p> <p>Due to the UK’s dualist legal system, legal obligations under international agreements that the UK signs must be enshrined in UK law before ratification. Following policy analysis, FCDO, Defra, and the Department for Transport have identified gaps in the UK’s ability to meet some obligations under the Marine Genetic Resources (MGR), Area-Based Management Tools (ABMT), and Environmental Impact Assessment (EIA) provisions of the Agreement. Legislative changes, via a BBNJ Bill and subsequent secondary legislation, are required for the UK to implement these obligations and ratify the BBNJ Agreement.</p> <p>To implement EIA measures, Defra is proposing to amend the marine licensing regime, currently operating in English inshore and offshore waters and the Northern Ireland offshore, to ensure that relevant activities in ABNJ are brought into scope. Our aim is to meet the BBNJ EIA requirements in a proportionate way that enables the appropriate licensing authority to regulate relevant activities effectively and fulfil BBNJ obligations,</p>		

while avoiding unnecessary regulatory burden. Without meeting the BBNJ obligations the UK would be unable to ratify the Agreement. The powers being sought in the Bill will make technical amendments to the existing powers in section 66 and 74 of the Marine and Coastal Access Act 2009 (MCAA).¹ These sections cover marine licensable activities and exempted activities respectively. This will ensure those powers can be used to make consequential amendments to other legislation where necessary when we make changes to bring additional activities in ABNJ within the scope of the marine licensing regime to meet the BBNJ requirements. These changes to the marine licensing regime are important to enable the Marine Management Organisation (MMO) to regulate activities and conduct EIAs in ABNJ.

The Bill will make direct amendments to the Marine Works (EIA) Regulations 2007 (MWR) to ensure that the relevant articles of the BBNJ Agreement are fully implemented.

This De-Minimis Assessment relates to a proposed SI which is required after the BBNJ Bill receives Royal Assent to implement the provisions on Part IV of the Agreement, 'Environmental Impact Assessments', using the powers secured in the Bill. The proposed SI will make amendments to the Marine and Coastal Access Act 2009 (MCAA) to comply with BBNJ EIA requirements. We are consulting on the proposals in this DMA. The consultation is directed at anyone interested in the way marine activities under UK control or jurisdiction are regulated in ABNJ.

To ensure that amendments to the current marine licensing regimes are effective and proportionate, we are seeking views on:

- proposals to extend marine licensing to additional activities in ABNJ
- proposals for exemptions for activities in ABNJ
- proposals for activity-specific regulatory approaches
- proposals for the application process and guidance for regulating activities in ABNJ

We are also seeking information on marine activities in ABNJ including:

- what activities are taking place in ABNJ currently, and what activities may take place in ABNJ in future
- who is carrying out, or likely to carry out, these activities and what is their connection to the UK
- evidence on likely impacts of these activities

Equivalent changes to those being made to the MCAA will also be made to the Marine (Scotland) Act 2010 (MSA) to bring the Scottish licensing regime to allow activities within Scottish competence in ABNJ to be regulated under the Scottish licensing regime when necessary.

This DMA reflects costs associated with the licensing regime under the MCAA. Costs are expected to be similar for any necessary changes made to the licensing regime under the MSA. This would apply to activities in ABNJ regulated by the Scottish Government rather than the MMO. This DMA will be updated with estimates of these costs following the

¹ [Marine and Coastal Access Act 2009](#)

consultation before implementation. These costs will be updated following the consultation as we will have a better understanding of what activities are likely to take place.

Without secondary legislation in place the UK will not be able to ratify the BBNJ Agreement and therefore will not be able to take part in the decisions of the first, and subsequent, Conference of the Parties (CoP) meetings where discussions will take place on future ABMTs and governance in ABNJ.

2. Strategic case for proposed regulation

- **What is the problem under consideration?**

Even though the BBNJ Agreement primarily considers activities and impacts outside the UK's EEZ, there are requirements on states who are Party to the Agreement in relation to planned activities under that state's control or jurisdiction that take place in ABNJ. This includes activities that may be carried out by UK-flagged vessels, UK-based companies, or UK nationals, such as construction or removal of any substance or object in the ABNJ. Legislation is necessary to enable the UK to regulate these activities and thus ensure they comply with the obligations set out in the BBNJ Agreement. This legislation is needed before the UK can ratify and become a Party to the BBNJ Agreement.

The Agreement will enable greater conservation of the two-thirds of the ocean that lies beyond national jurisdiction and will play a key role supporting the delivery of the Kunming-Montreal Global Biodiversity Framework², including helping to achieve Target 3 to effectively conserve and manage at least 30% of the ocean by 2030. The Agreement aligns with other international commitments and objectives, including the 2030 Agenda for Sustainable Development, agreed by world leaders in 2015, which includes as Goal 14, "Conserve and sustainably use the oceans, seas and marine resources for sustainable development".

The policy will contribute to the global sustainable use and management of the ocean and so will generate environmental benefits. These include improved health of the seas which benefits through improved biodiversity. Additional, protection of blue carbon ecosystems leads to increased carbon sequestration, and so has benefits in terms of carbon abatement.³ Secondary benefits include enhanced climate resilience, and reputational benefits from the UK's leadership in ocean governance.

Quantified estimates suggest that biodiversity and carbon abatement benefits could outweigh compliance costs over the appraisal period for this policy, however the impact is uncertain due the nature of the policy and data availability

² [15/4. Kunming-Montreal Global Biodiversity Framework](#)

³ [Frontiers | The diverse benefits of biodiversity conservation in global ocean areas beyond national jurisdiction](#)

The marine environment in areas beyond national jurisdiction (ABNJ) is subject to increasing pressures from human activity (key threats to biodiversity in areas beyond national jurisdiction include climate change, pollution, fishing, and habitat destruction⁴) underscoring the need for more coordinated global action. The BBNJ Agreement offers a crucial opportunity to enhance cooperation and complement existing frameworks, helping to overcome challenges in ocean governance and supporting the conservation and sustainable use of ABNJ.

Negotiations to agree the BBNJ Agreement took place for over a decade and focussed on a “package” of issues agreed by the UN General Assembly, including detail on Environmental Impact Assessments (EIAs) for new activities in areas beyond national jurisdiction (Part IV) building upon UNCLOS provisions.

Defra is implementing the necessary changes to meet its obligations under Part IV of the Agreement. The UK does not currently have the appropriate legislation to implement the BBNJ EIA provision in the marine environment beyond the UK's EEZ. For example, there are only limited activities we can currently regulate in ABNJ (deposit of any substance or object, scuttling (sinking) of any vessel or floating container, incineration of any substance or object⁵) and domestic EIA processes do not align fully with the BBNJ requirements. Secondary legislation is required to extend activities which the UK can regulate in ABNJ and thereby align the EIA process with BBNJ requirements.

Tragedy of the Commons

This situation reflects a classic tragedy of the commons, where individual actors have incentives to exploit shared resources without internalising the environmental costs. In ABNJ, where activities are not covered by an appropriate regulatory instrument, framework or body, there is a risk that unregulated activities degrade ecosystems and biodiversity, leading to long-term losses in natural capital and ecosystem services.

Negative Externalities

There are also significant negative externalities associated with biodiversity loss in ABNJ. These include reduced carbon sequestration capacity, diminished fish stocks, and increased vulnerability to climate change. The [IUCN and DSCC](#) have found that fragmented governance has allowed unsustainable fishing practices to persist in ABNJ, resulting in stock depletion, bycatch of vulnerable species, and habitat destruction. Although fishing is not restricted under this policy, it is likely the same challenges currently exist within industries being regulated by this policy.

Submarine cable installation has been found to disturb benthic habitats and introduce invasive species. The [World Ocean Council](#) notes the increasing intensity and frequency of such activities, often without environmental screening. While economically beneficial, unregulated expansion risks long-term ecological damage and reputational harm.

Without intervention, these costs are borne by society at large, including future generations, rather than by the actors responsible for the degradation. The principal costs

⁴ [bbnjagreementoverviewfactsheet.pdf](#)

⁵ Section 66(1), items 2,3,5,6,12,13 from [Marine and Coastal Access Act 2009](#)

identified relate to loss of biodiversity and loss of carbon sequestration. Quantified estimates for the related benefits of the proposed legislation are introduced below.

Information Asymmetry

In addition, information asymmetries hinder effective regulation. Many activities in ABNJ are poorly monitored, and their environmental impacts are not well understood (many activities are not regulated, and these areas are vast, complex and unexplored). This limits the ability of governments and stakeholders to make informed decisions and respond to emerging threats.

Currently, the UK can only regulate a limited set of activities in ABNJ under the Marine and Coastal Access Act 2009 (MCAA), namely deposit of substances, incineration, and scuttling. Other activities — such as construction, dredging, cable laying, and removal of objects — are not monitored or licensed, despite their potential environmental impacts.

Under the proposed legislation, the UK will extend marine licensing to a broader set of activities in ABNJ. This will require operators to notify and screen activities that may have more than a minor or transitory effect, enable the Marine Management Organisation (MMO) to collect data, conduct EIA screenings, and attach monitoring conditions to licences, and improve transparency. This will significantly enhance the UK's ability to monitor, assess, and mitigate environmental impacts in ABNJ, helping to close the current information gap and support evidence-based ocean governance.

Government intervention

Government intervention is necessary to address these market failures and ensure that UK-linked activities in ABNJ are subject to appropriate environmental safeguards. By implementing the BBNJ Agreement, the UK can help establish a coordinated international framework that internalises environmental costs, improves transparency, and promotes sustainable use of marine biodiversity. This will support long-term welfare gains, align with global environmental commitments, and reinforce the UK's leadership in ocean governance.

- **What evidence is there to support the problem statement?**

States can implement the BBNJ Agreement through legislative or administrative measures depending on their legal systems and circumstances. The UK can implement some of the Agreement through administrative processes, but secondary legislation is still required to fully implement the provision on EIAs.

We have undertaken a gap analysis of the UK's existing legislation and EIA requirements against the BBNJ Agreement to assess whether we are able to fulfil the BBNJ requirements. This has evidenced that we need to amend current legislation to implement the BBNJ requirements. For example, the only licensable activities in ABNJ under the MCAA marine licensing regime are deposits, incineration and scuttling, and the activities which would then require EIA processes are limited to specific types of projects listed in the Marine Works (EIA) Regulations.

In contrast Article 30 (1) of the Agreement provides for a detailed screening process that is triggered when a planned activity “may have more than a minor or transitory effect on

the marine environment, or the effects of the activity are unknown or poorly understood". For the purposes of this consultation, we will refer to this threshold as the **De Minimis Threshold**. If the De Minimis Threshold is met, a Party must then assess the potential impacts of the activity through a screening process and decide whether it has reasonable grounds to believe that the threshold for an EIA is met (the 'EIA threshold'), and therefore an EIA is required.

The **EIA Threshold** for a planned activity under the Agreement is the same threshold found in Article 206 of UNCLOS: "When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments..."

- Overview of the current EIA regime can be found in the following link: [Marine licensing: Information you may need to supply to support your marine licence application - GOV.UK](#).
- The BBNJ Agreement process for EIA can be found in Article 31 of the treaty text: [XXI-10 CTC](#).

Defra commissioned a targeted survey and workshops which was carried out by Cefas to better understand potential activities in ABNJ which fed into developing policy options for how the UK could meet BBNJ EIA obligations. The online survey and two virtual workshops included representatives from relevant Government Departments, Arm's Length Bodies (e.g., MMO, JNCC), Devolved Governments, environmental NGOs and marine industry.

The survey and workshops aimed to:

- Consider which activities are likely to occur in ABNJ and could come under the remit of marine licensing and which of these are likely to meet the BBNJ thresholds.
- Explore what is currently happening in ABNJ (including the regulatory landscape) and the future direction of activities to understand potential impacts of this work.
- Gather insights to ensure that the potential changes being explored to meet the UK's international obligations are proportionate and future-proof.

While response rates were poor (8/110 survey responses), the engagement indicates stakeholders are uncertain what potential activities are likely in ABNJ and what the potential impacts are (given the low response rates, these findings may not be fully representative of the broader stakeholder community). The workshops highlighted uncertainty around activities likely to take place in ABNJ and their potential impacts, we used this insight to inform our policy development. A small number of activities were suggested as likely to occur in ABNJ, such as cabling and marine scientific research.

As there is no consensus on which activities are likely to take place and which activities are likely to meet the BBNJ thresholds (the De Minimis Threshold and the EIA Threshold), it is difficult to determine which activities should require a marine licence in ABNJ (and

therefore would be eligible for an EIA). When the BBNJ Agreement comes into force for the UK, effective regulation would capture more activities and determine on a case-by-case basis whether an EIA screening is required or not. This would comply with BBNJ obligations and ensure that activities in ABNJ which could reach the stated threshold are not missed. A flexible approach would also be better at adapting to future needs and ensure that any regulation is proportionate to the project taking place.

Current EIA process

The Marine Management Organisation (MMO) provides marine licences under the Marine and Coastal Access Act 2009 (MCAA) in the English inshore and offshore region and the Northern Ireland offshore region.

Licensable activities are set out in section 66 of the MCAA.⁶ There are 7 categories of activity that may need a marine licence. There are seven categories of activity that may need a marine licence in UK waters. Currently only deposits, scuttling and incineration are licensable in ABNJ.

Follow the links to MMO guidance below to find out more about the activities and the circumstances in which they may need a marine licence:

- [construction, alteration or improvement of works](#)
- [dredging](#)
- [deposit of any substance or object](#)
- [removal of any substance or object](#)
- [incineration of any substance or object](#)
- [scuttling \(sinking\) of any vessel or floating container](#)
- [use of explosives](#)

The MWR require certain types of projects that have the potential to significantly affect the environment to submit an EIA before a marine licence decision is made. The aims of an EIA are to protect the environment and allow the public to play a part in making decisions.

⁶ [Marine and Coastal Access Act 2009](#)

Whether an activity requires an EIA or an EIA screening depends on where it is listed in the MWR:

- Activities listed in Annex I Directive and Schedule A1 of Marine MWR, must have an EIA before a marine licence can be granted.
- Activities listed in Annex II of the EIA Directive and Schedule A2 of the MWR require an EIA only if they are likely to have significant effects on the environment.

A screening process is undertaken for activities listed in Annex II of the EIA Directive and Schedule A2 of MWR to determine whether a project falls within the remit of the MWR and if it's likely to have a significant effect on the environment and therefore needs an EIA. The screening is a chargeable service.

Proposed changes are necessary to enable the MMO to carry out an EIA screening for an activity which meets the BBNJ De Minimis Threshold. This means activities which with MMO can licence in the ABNJ needs to be extended.

- **Why is government action or intervention necessary?**

The marine environment in areas beyond national jurisdiction (ABNJ) is subject to increasing pressures from human activity, underscoring the need for more coordinated global action. The BBNJ Agreement offers a crucial opportunity to enhance cooperation and complement existing frameworks, helping to overcome challenges in ocean governance and supporting the conservation and sustainable use of ABNJ.

This situation reflects a classic tragedy of the commons, where individual actors have incentives to exploit shared resources without internalising the environmental costs. In ABNJ, where activities are not covered by an appropriate regulatory instrument, framework or body, there is a risk that unregulated activities degrade ecosystems and biodiversity, leading to long-term losses in natural capital and ecosystem services.

There are also significant negative externalities associated with biodiversity loss in ABNJ. These include reduced carbon sequestration capacity, diminished fish stocks, and increased vulnerability to climate change. Without intervention, these costs are borne by society at large, including future generations, rather than by the actors responsible for the degradation.

In addition, information asymmetries hinder effective regulation. Many activities in ABNJ are poorly monitored, and their environmental impacts are not well understood. This limits the ability of governments and stakeholders to make informed decisions and respond to emerging threats.

Government intervention is necessary to address these market failures and ensure that UK-linked activities in ABNJ are subject to appropriate environmental safeguards. By implementing the BBNJ Agreement, the UK can help establish a coordinated international framework that internalises environmental costs, improves transparency, and promotes sustainable use of marine biodiversity. This will support long-term welfare gains, align with

global environmental commitments, and reinforce the UK's leadership in ocean governance.

- **What gaps or harm would occur if government doesn't intervene?**

The UK signed the BBNJ Agreement in September 2023, having played a key role in negotiations. Whilst signature is not legally binding, it does signal support for the Agreement and intent to ratify. Without government action, the UK will not be able to ratify the BBNJ Agreement. There is currently a gap in the UK's ability to manage the environmental impacts of planned activities under the UK's control or jurisdiction that take place in ABNJ. Failure to ratify the BBNJ Agreement will have a negative impact on its ability to enable greater conservation in ABNJ and will reduce the UK's ability to contribute to meeting global targets such as the Kunming-Montreal Global Biodiversity Framework target to conserve and effectively manage at least 30% of the ocean by 2030. There will also be a significant reputational impact to the UK from failing to participate in a key international agreement of which we were heavily involved in negotiations and have signed.

- **If applicable, has a post-implementation review of the existing regulation been undertaken. If so, what were its findings and how does the information the rationale. If not, why not? Has there been evaluation of any previous regulation in this area?**

There has not been a post-implementation review of the relevant parts of the Marine and Coastal Access Act (MCAA) or subsequent exemptions orders. However, Defra regularly reviews the existing exemptions to ensure they remain proportionate, including a recent review consulted on June-August 2025. The BBNJ Agreement is a new agreement which was not an original objective of MCAA or the exemptions orders so has not been factored into previous review. However, previous reviews of the exemptions order have provided evidence to support that existing exemptions are low-impact so in line with the BBNJ requirements.

3. SMART objectives for intervention

- **What are the policy objectives of the action or intervention and the intended effects?**

Broadly, our objectives are to enable the UK to ratify and implement the BBNJ Agreement. More specifically, the objectives of the intervention reflect those of the BBNJ Agreement itself, which are to enable greater conservation and sustainable use of the ocean in ABNJ. This SI will enable the delivery of the overall objective.

- **What are the intended outcomes of intervention?**

Intended outcomes include: All planned activities in ABNJ being screened for environmental impacts where those activities meet the De Minimis or EIA Threshold (i.e. may have more than a minor or transitory effect on the marine environment, or the impacts are unknown or poorly understood), and having an EIA carried out where the EIA Threshold is met (may cause substantial pollution of or significant and harmful changes to the marine environment).

Specific:

- Amend the Marine and Coastal Access Act 2009 (MCAA) to extend the list of licensable activities in ABNJ to comply with BBNJ Part IV obligations, which will enable the UK to ratify the BBNJ Agreement (see below theory of change).
- Activities in ABNJ being appropriately managed and monitored by the MMO where they may have a significant effect on the environment, to ensure continued compliance with BBNJ Agreement obligations

Measurable:

- Number of legislative amendments made to MCAA.
- Number and type of applications for marine licences made for activities in ABNJ, measured via the MMO's Marine Case Management System.

Achievable:

- Ensure legislative changes are feasible and proportionate within the existing regulatory framework.
- Provide necessary resources and support for the MMO to enforce new regulations. For example, by providing the MMO guidance to ensure they have the necessary information to regulate activities in ABNJ effectively.

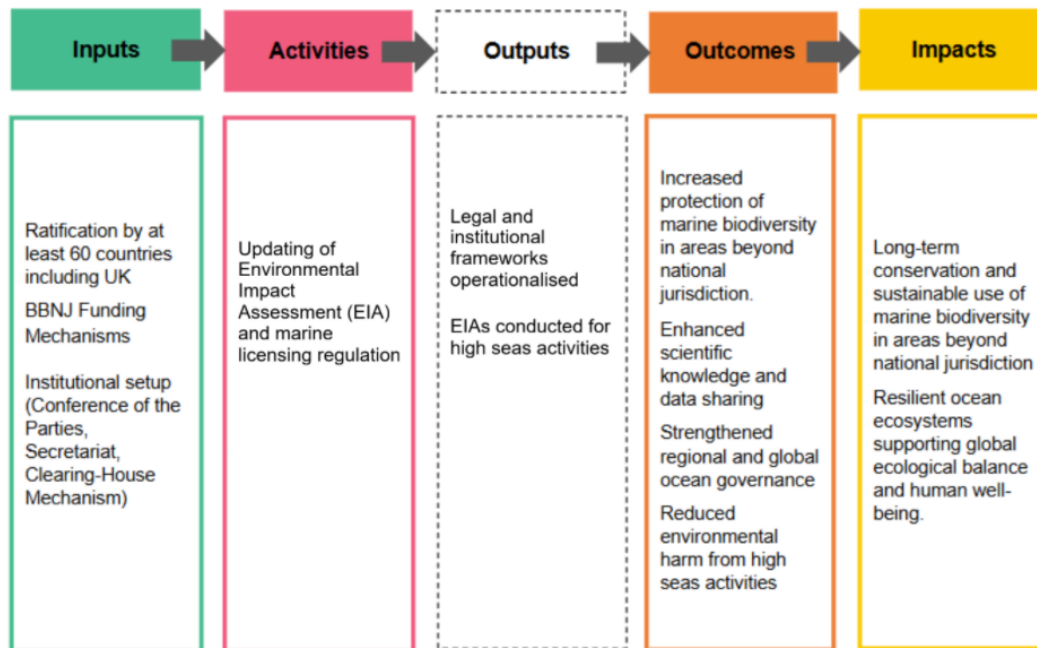
Relevant:

- Align legislative changes with the UK's commitment to the BBNJ Agreement and global biodiversity targets.
- Address identified gaps in the UK's ability to regulate activities in ABNJ by extending the list of licensable activities in ABNJ. For example, to ensure regulators can carry out an EIA for activities in ABNJ where required.

Time-bound:

- Introduce secondary legislation in 2026 to enable ratification of BBNJ Agreement.
- BBNJ measures are subject to monitoring requirements under the BBNJ agreement. A post-implementation review will also be carried out for the changes.

How the policy intends to achieve its aims is set out in the following logic model:



- **Are there any other indicators of success that should be considered?**

The indicators of success for the policy objectives include:

- Legislative Amendments: Successful amendment of the MCAA where needed to enable alignment with BBNJ requirements.
- Compliance and Ratification: The UK ratifies the BBNJ Agreement and demonstrates compliance with its provisions.
- Environmental Impact: Improved conservation and management of marine biodiversity in ABNJ, evidenced by enhanced EIA processes.
- Stakeholder Engagement: Positive feedback from stakeholders, including marine industries, environmental NGOs, and the scientific community, on the effectiveness of any new regulations.

- **How do these objectives align with HMG objectives, for example around growth?**

Ratification of the BBNJ Agreement is in line with this Government's determination to reinvigorate the UK's wider international leadership on climate and nature. Ministers including the Foreign Secretary and Defra's Minister for Water and Flooding have publicly said the UK is 'completely committed to ratifying the BBNJ Agreement'. At the United Nations Ocean Conference in June 2025, the UK announced that the UK will introduce legislation by the end of the year to enable ratification of the BBNJ Agreement.

The BBNJ Agreement will directly contribute to global targets which the UK has committed to delivering such as the Kunming-Montreal Global Biodiversity Framework Target 3 to effectively conserve and manage at least 30% of the ocean by 2030 (the '30x30' target) and UN Sustainable Development Goal 14 to conserve and sustainably use the oceans, seas and marine resources for sustainable development. This will be evidenced by enhanced EIA process in ABNJ.

Policy Options (including alternatives to regulation)

Options:

Option 0a Do Nothing: Do not extend marine licensing to activities in ABNJ, meaning the MMO can only license deposits, scuttling and incineration in ABNJ. This would not meet the requirements of the BBNJ agreement, and therefore mean the UK is unable to ratify the agreement.

Option 0b Attempt to meet BBNJ obligations through non-regulatory means: This option would use the existing regulatory regime without amendments before ratification to implement the BBNJ requirements, using guidance to achieve our objectives rather than relying on legislative amendments. However, we assessed that legislative changes would be needed to enable some of the changes to the marine licensing regime required by the BBNJ Agreement. For example, the MMO would not have the ability to conduct EIAs in ABNJ for all planned marine activities required by the BBNJ Agreement, preventing us from ratifying the BBNJ Agreement.

There are 4 options to extending marine licensing to activities in ABNJ:

Option 1 EIA Threshold exemption (Preferred approach): This Option would extend the list of activities that MMO can licence in ABNJ to include all MCAA Section 66 categories currently licensable in UK waters.⁷ However, any activity which does not require an EIA would be exempt from a marine licence. This would enable us to extend licensing to all activities in ABNJ which are in scope of the BBNJ Agreement.

The proposed changes would expand the categories of activities which may require a licence in ABNJ to include:

- dredging

⁷ [Marine and Coastal Access Act 2009](#)

- construction works
- removal of any substance or object
- use of explosives

This is in addition to the categories of activity which already require a marine licence in ABNJ:

- deposit of any substance or object
- scuttling (sinking) of any vessel or floating container
- incineration of any substance or object

The proposed licensing changes would apply only to new planned activities listed above. We would also extend licensing to any deposits, scuttling or incineration which is carried out by a UK company but is not captured by current requirements under MCAA because it does not involve loading in a UK port or does not originate from a UK vessel.

The current marine licensing exemptions made under Section 74 MCAA would also apply in the ABNJ and would follow the domestic application process.

Exemptions:

To avoid disproportionate regulation where many activities would unnecessarily require a marine licence, an activity which falls below the stated EIA Threshold would be exempt from a marine licence. The EIA Threshold requirements are likely to capture fewer activities than the requirements for the De Minimis Threshold. The MMO would provide an exemption notice to the applicant if the activity falls below the De Minimis or EIA Threshold.

There would be two routes to exemption:

- 1) An activity is determined to be below the EIA Threshold following a De Minimis Threshold screening or an EIA Threshold screening and would thus fall within an exemption category in the relevant exemptions order
- 2) An activity is listed on a pre-determined exemption list (i.e. a specific activity exempt as it is sufficiently low risk and understood)

Process:

The gov.uk licensing webpage would inform applicants that an activity in ABNJ would not require a marine licence if it is:

- 1) On the pre-defined exemption list, or
- 2) Below the EIA Threshold.

If the activity is not on the pre-defined exemption list, the applicant would need to carry out an online self-determination De Minimis Threshold screening. This would determine whether an activity is above the De Minimis Threshold and would require an EIA screening. Any such self-determination screening process would need to be robust, evidence based and defensible such as to ensure that any uncertainty in the predicted impact of the activity is not sufficient to affect the conclusion that the De Minimis Threshold is not reached. We are working to ensure that criteria are robust and well-developed to mitigate the risk of inappropriate use by applicants.

If the screening determines the activity is below the De Minimis Threshold, an automatic notice of approval is provided. This screening has no charges for the applicant.

If the self-determination screening determines the proposal is above the De Minimis Threshold, then the developer would not receive an exemption and would need to apply for an EIA screening request.

The process for an EIA screening would be:

- 1) The request is allocated to a marine licensing case team who would carry out the screening. If the activity is screened out the activity is exempt from a marine licence.
- 2) If the activity is screened in and an EIA is required, then a marine licence is required.

This screening process would be compliant with the EIA requirements in the BBNJ Agreement.

The MMO uses bands to calculate marine licence application fees. All activities in ABNJ would be categorised as Band 3, which refers to activities that are complex or higher risk. This in line with the current approach for activities in ABNJ.

Other Options:

A brief summary of other options considered is provided below. These were assessed as less suitable for meeting BBNJ EIA obligations while ensuring proportionate regulation. A summary of the options and their benefits and drawbacks are shown in Table 1 below. The main criteria used to make the assessments was: 1) how effectively the approach meets BBNJ EIA obligations and 2) resource requirements/burden to regulators and industry (for example increased number of marine licence applications).

Option 2 (De Minimis Threshold exemption): Extend licensable activities listed in Section 66 in MCAA to ABNJ. Any activity which falls below the De Minimis Threshold would be exempt from a marine licence.

The proposed changes for Option 2 would extend the list of activities that MMO can licence in ABNJ to include all MCAA Section 66 categories currently licensable in UK waters. However, any activity which falls below the De Minimis Threshold would be exempt from a marine licence, rather than using the EIA Threshold, as is the case for Option 1. This would enable us to extend licensing to all activities in ABNJ which are in scope of the BBNJ Agreement.

The proposed changes would expand the categories of activities which may require a licence in ABNJ to include:

- dredging
- construction works
- removal of any substance or object
- use of explosives

This is in addition to the categories of activity which already require a marine licence in ABNJ:

- deposit of any substance or object
- scuttling (sinking) of any vessel or floating container
- incineration of any substance or object

The proposed licensing changes would apply only to the new activities.

The current marine licensing exemptions made under Section 74 MCAA would also apply in the ABNJ and would follow the domestic application process.

Exemptions:

To avoid disproportionate regulation where many activities would unnecessarily require a marine licence, an activity which falls below the De Minimis Threshold would be exempt from a marine licence. The MMO would provide an exemption notice to the applicant if the activity falls below the De Minimis Threshold.

There would be two routes to exemption:

- 1) An activity is determined to be below the De Minimis Threshold following a De Minimis Threshold screening and would thus fall within an exemption category in the relevant exemptions order.
- 2) An activity is listed on a pre-determined exemption list (i.e. a specific activity exempt as it is sufficiently low risk and understood).

Process:

The gov.uk licensing webpage would inform applicants that an activity in ABNJ would not require a marine licence if it is:

- 1) On the pre-defined exemption list, or
- 2) Below the De Minimis Threshold.

If the activity is not on the pre-defined exemption list, the applicant would need to carry out an online self-determination De Minimis Threshold screening. This would determine whether an activity is above the De Minimis Threshold and whether it would require an EIA screening and a marine licence.

If the screening determines the activity is below the De Minimis Threshold, an automatic notice of approval is provided. This screening has no charges for the applicant.

If the self-determination screening determines the proposal is above the De Minimis Threshold, the applicant would not receive an exemption and would need to apply for a marine licence and an EIA screening request.

The process for an EIA screening would be:

- 1) The request is allocated to a marine licensing case team who would carry out the screening. If the activity is screened out the activity does not require an EIA.
- 2) If the activity is screened in and an EIA is required.

This screening process would be compliant with the EIA requirements in the BBNJ Agreement.

This option was not chosen as it would result in more marine licence applications in ABNJ than the preferred approach, placing additional burdens on both regulators and industry. For example, more marine licence applications would require more regulator resource. There have only been two marine licence applications in ABNJ (these are for the Virgin

Orbit launch in 2022 and a dye tracer study in 2015). While we do not anticipate a high volume of activities, we do not have a clear understanding of what activities are likely to take place in ABNJ, as a result this option would be the most challenging for regulators if the frequency of activities taking place is high. Industry would need apply for a marine licence application at a lower threshold, making it more likely a marine licence is required. As a result, this would have additional administrative and financial burdens than the preferred approach.

Option 3 (extend licensing to specific activities): Extend marine licensing only to certain activities in ABNJ which we have identified are above, or likely to be above, the De Minimis Threshold. This option would use secondary legislation to specify types of activities in Section 66 MCAA which meet the stated threshold.

The gov.uk licensing webpage would inform applicants if their activity were exempt from a marine licence in ABNJ. All other activities in ABNJ would require a marine licence.

This option was not chosen as it would be less adaptable to future developments in activities, creating the risk of failing to meet obligation and leading to unbalanced regulation.

Stakeholder engagement has shown we do not have a clear understanding of activity likelihood and impacts in ABNJ. This option may lead to us not licensing certain activities which should require an EIA screening in certain circumstances, or over restricting activities which should not require a marine licence. Without a complete understanding, achieving a proportionate approach will be challenging.

Also, if new technologies emerged or understanding of impacts changed, secondary legislation would be required for changes and updates to s.66 or s.74 MCAA, as a result this option would be less futureproof than the preferred approach.

Option 4 (extend licensing to all activities): Extend marine licensing to all activities in ABNJ.

The proposed changes for Option 4 would extend the list of activities that the MMO can licence in ABNJ to include all MCAA Section 66 categories currently licensable in UK waters. All activities would require a marine licence.

The gov.uk licensing webpage would inform applicants that any activity in ABNJ requires an EIA screening and a marine licence.

This option was not chosen as it would disproportionately regulate activities taking place in ABNJ by requiring a marine licence even when an activity would be below the De Minimis Threshold, and would place unnecessary burden on both regulators and stakeholders.

Table 1: Approaches to extending marine licensing in ABNJ

Option	Option 1: EIA Threshold exemption	Option 2: De Minimis	Option 3: Licensing extended to	Option 4: Licensing
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	<p>(Preferred approach): Option 1 would extend the list of licensable marine activities in ABNJ in MCAA to include all those categories which are currently licensable only in UK waters. However, any such new activity whose impact would not meet the EIA Threshold, or which is not within UK control or jurisdiction would be exempt from marine licensing.</p>	<p>Threshold exemption: Option 2 would add new licensable marine activities in ABNJ to the lists of licensable activities under MCAA as for Option 1. Any activity on the list whose impact is above the De Minimis Threshold would require a licence. Any activity whose impact falls below the De Minimis Threshold would be exempt from a marine licence, as would any activity which is not within UK control or jurisdiction.</p>	<p>specific activities: Option 3 would extend marine licensing only to certain new activities in ABNJ which we have identified are above, or expected to be above, the De Minimis Threshold. This option would specify activities whose impacts meet the De Minimis Threshold and only these activities would require an EIA screening and a marine licence in ABNJ.</p>	<p>extended to all activities Extend the list of licensable marine activities in ABNJ in MCAA and MSA to include all those categories which are currently licensable only in UK waters. All licensable marine activities require an EIA screening and a marine licence.</p>
Advantages	<p>Option 1 would be effective at meeting BBNJ EIA obligations as it would capture a broad range of activities and provide an assessment on a case-by-case basis of whether an EIA screening is required or not. This approach would both comply with BBNJ obligations and ensure that no activities which may meet the De Minimis Threshold are overlooked. A flexible approach would also be better suited to adapt to future needs and to EIA standards and guidelines adopted</p>	<p>Option 2 would effectively meet BBNJ obligations like Option 1 the preferred approach.</p>	<p>Option 3 would have low resource requirements and would be the most straightforward approach to regulation.</p>	<p>Option 4 would effectively fulfil BBNJ EIA obligations, as all activities would be subject to an EIA screening.</p>

	by the BBNJ Conference of Parties. It would enable us to maintain proportionate regulation aligned with the scale and nature of each activity.			
Disadvantages	This Option will extend licensing to more activities than Option 3, as a result requiring more resource from regulators (than Option 3 would). This option may also be more burdensome for industry than Option 3 would be depending on the nature of their activity.	Option 2 would result in more activities in ABNJ requiring a marine licence than the preferred approach, placing additional burdens on both regulators and industry. The EIA Threshold screening requirements are higher than those of the De Minimis Threshold; in other words, some activities are likely to meet the De Minimis Threshold but then be 'screened out' from requiring an EIA by MMO because they do not meet the EIA Threshold. As a result, requiring a marine licence for all activities that meet the De Minimis Threshold as in Option 2 would bring a wider range of activities into scope of a marine licence.	This approach would, be less adaptable to future developments in activities or to any standards or guidelines adopted by the BBNJ Conference of Parties, creating a risk of the UK failing to meet its obligations under Part IV of the BBNJ Agreement and potentially requiring frequent updates to the current regulatory frameworks. Without a complete understanding of what activities are likely to take place in ABNJ, achieving proportionate regulation will be challenging as we do not currently know which activities will be above or below the BBNJ thresholds.	This approach would be less proportionate than the preferred option. It would require a marine licence and that the appropriate licensing authority carry out EIA screenings for activities below the De Minimis Threshold. This is unnecessary and would place additional burden on both regulators and industry. This option would also create the risk of overlap with other regulatory regimes.
Description of Novel and Contentious Elements (if any)				

This is to implement an international agreement which the UK has committed to ratify so we do not expect the policy to be contentious. It will result in additional regulation, but all activities under consideration already require a licence in UK waters, so this is not an entirely new regulation. The proposed approach aims to take a proportionate approach by not requiring a licence where the activity is below the EIA Threshold.

Assessment of Impacts on Business

This De Minimis Assessment presents indicative estimates based on available evidence and policy judgement. A more detailed quantification of the number and type of businesses affected, the nature of obligations, and associated costs and benefits is planned following the consultation phase.

At present, the data is limited due to the nature of ABNJ — a region where activities are not systematically monitored and where UK-linked operations are not currently subject to licensing. This means that the scope of activities and their environmental effects are not well documented.

At this stage, the number of businesses in scope is estimated to be 20-75.

These limitations are explicitly acknowledged in the DMA, and the analysis will be refined post-consultation using stakeholder responses. This iterative approach ensures that the final impact assessment remains proportionate and evidence-based.

Price base year: 2025

Present value year: 2025

Costs:

Once the secondary legislation is enacted, businesses will need to comply with new regulatory requirements, including obtaining marine licences for activities that meet the BBNJ threshold and undergoing environmental impact assessments (EIAs) for activities with more than a minor or transitory effect.

Compliance costs include familiarisation with the new legislation by businesses in scope, costs associated with obtaining licences in ABNJ from the MMO, administrative costs of applying for licences, and inspection and monitoring costs, which are charged to businesses by the MMO.

A broader estimate of the impact of marine licensing on businesses will be used from the primary legislation, due to limited data being available on the specific activities covered in this DMA.

Business NPV: -£5.0m (-£0.55m to -£9.4m)

Across the 10-year appraisal period, costs include:

Familiarisation costs of £0.0006m - £0.01m in the first year of the policy with a central estimate of £0.072m. Familiarisation costs are based on an assumption of 2–6 hours of staff time per business, reflecting the time required to read and understand MMO guidance and regulatory changes, based on information from the MMO. This is applied to the estimated 20–75 businesses in scope, using wage rates of £19–£37 per hour based.

Wage rates are estimated using the [ONS ASHE bulletin](#) for April 2025:

Typical hourly wage for professional occupations (e.g. science, engineering): approx. £15 – £31/hour (equivalent to £30,000 - £60,000 salary).

These figures are based on annual full time gross earnings and exclude employer on-costs.

A non-wage uplift of 21% has been added to reflect the full economic cost of labour. With the uplift, the wage rate we have used for businesses in scope is £18.62 - £37.23)

Licence costs of £0.61m – £9.8m across the 10-year appraisal period, with a central estimate of £5.2m. This assumes 100 – 400 hours of MMO advice per licence billed at £122 per hour. Licence costs are calculated using MMO's Band 3 rate of £122/hour, assuming 100–400 hours of advice per licence, based on information from the MMO on previous license applications. The cost estimates assumes that the BBNJ legislation will result in an additional 1–20 MMO licences per year.

The cost estimates presented in this DMA reflect the preferred approach (Option 1), which extends marine licensing to all activities listed in Section 66 of the MCAA, but exempts those below the EIA Threshold. Under current legislation, only deposit, incineration, and scuttling are licensable in ABNJ. The proposed legislation will newly bring the following activities into scope:

- Dredging
- Construction works
- Removal of substances or objects
- Use of explosives

These activities were previously exempt from licensing in ABNJ, and their inclusion under the new regime is expected to generate new compliance costs for UK-linked operators.

The cost estimates (e.g. licensing, admin, monitoring) are based on MMO Band 3 rates, and assume that 5–20 licences per year will be issued for these newly regulated activities.

A wide range is used to reflect uncertainty in the scope of the activities that will be affected, due to such activities not previously being licensed or monitored. These figures will be refined following consultation, which will gather evidence on the volume, type, and scale of activities likely to be affected.

Admin costs of £0.047m – £1.5m across the 10-year appraisal period, with a central estimate of £0.77m. assuming each licence uses between 50 and 200 hours of business time. These estimates are based on policy judgement and are broad to reflect the variety of activities that are licensable. Estimates may be refined using consultation responses.

Post-licence inspections and monitoring costs have been estimated using the MMO's Monitoring Fee Structure, which categorises activities in ABNJ as Band 3 (complex or higher risk). Under this structure, monitoring fees are charged directly to licence holders and vary depending on the nature and frequency of the activity.

For the purposes of this DMA, we assume annual monitoring costs per licence of £50–£300, for the estimated additional 5 - 20 licences issued a year due to the proposed legislation.

This results in a total estimated monitoring cost of £0.0025m–£0.060m across the 10-year appraisal period, with a central estimate of £0.031m. These figures are indicative and will

be refined following consultation, which will provide more detailed evidence on the types of activities requiring monitoring and the likely frequency of inspections.

Risks and Unintended Consequences

Unintended consequences may include fewer activities taking place in ABNJ. If a screening or marine licence is required for an activity, this may reduce the incentive to undertake it, particularly if the requirement affects the timing or cost of the activity. For example, cable removals are currently unregulated in ABNJ, if they require a screening or a marine licence the cabling industry may have less incentive to carry this activity out in ABNJ.

There is also a risk that activities may be carried out without the necessary approvals or may not be conducted in accordance with what was originally approved. Individuals may be unaware that a screening or marine licence is required to undertake an activity in ABNJ, or may take advantage of the fact that regulating activities in ABNJ is difficult to enforce. We will have clear guidance online so that anyone planning an activity in ABNJ will understand the licensing process, this will mitigate the risk of unregulated activities being carried out.

Benefits:

There may be some benefits to business from regulatory certainty and alignment. Clear and consistent regulations can provide businesses with greater certainty and stability, facilitating long-term planning and investment. Global regulatory alignment on the protection of marine biodiversity may also help domestic businesses access international markets by ensuring that their operations meet internationally recognised environmental standards. This alignment reduces the risk of non-tariff barriers, improves regulatory certainty, and enhances reputational credibility in sectors where sustainability is increasingly a prerequisite for trade and investment. However, due to the limited nature of activities currently in scope of the present policy, these benefits are unquantified.

Market access: Requiring businesses to comply with globally recognised standards for environmental regulations may improve their access to international markets and forums that adhere to common regulatory standards.

Regulatory certainty: Clear commitment to future regulatory policy helps create stable expectations for businesses who operate in affected industries, facilitating long-term planning and investment.

The policy will contribute to the global sustainable use and management of the ocean and so will generate environmental benefits. These include improved health of the seas which benefits through improved biodiversity. Additionally, protection of blue carbon ecosystems leads to increased carbon sequestration, and so has benefits in terms of carbon abatement.⁸

Environmental benefits

While direct monetisation of environmental benefits is challenging due to uncertainty in future ABMT measures, and the difficulty of estimating the marginal impact of the UK's involvement in the treaty, indicative estimates based on ecosystem service valuation suggest:

- Biodiversity gain: £2m – £20m (based on avoided degradation and improved marine ecosystem services)
- Carbon abatement: £0.2m – £2.4m (based on potential mitigation of high-emission activities and improved marine carbon sinks).

Environmental benefits have been estimated using indicative ecosystem service valuations based on the UK's potential contribution to Area-Based Management Tools (ABMTs) under the BBNJ Agreement. While the UK does not control territory in ABNJ, it is expected to support the designation and implementation of Marine Protected Areas (MPAs) through regulation of UK-linked activities and participation in CoP decisions.

The estimates assume protection of 2,000–10,000 km² of ABNJ designated as MPA over the next decade, based on current UK MPA expansion rates and international engagement. Using conservative valuation inputs for MPAs:

Biodiversity benefits are valued at £1,000–£2,000 per km²/year.⁹

Carbon abatement is estimated at 0.5–1 tCO₂e/km²/year, with a carbon price of £241/tCO₂e.¹⁰

These inputs yield annual benefits of:

£0.2m–£2m for biodiversity

£0.024m–£0.24m for carbon abatement

Over a 10-year appraisal period, and applying a 3.5% discount rate, the total discounted environmental benefit is estimated at:

£10m, with a range from £1.9m (low scenario) to £19.0m (high scenario).

There are a number of additional potential positive secondary impacts of the policy for the UK. The UK may enjoy reputational benefits by maintaining its participation in an international agreement. The policy may indirectly support jobs and industries that are dependent on marine resources (for example, fisheries would benefit from improved fish stocks resulting from healthier marine ecosystems). Other industries that could indirectly benefit include marine engineering and offshore construction, environmental consultancy and ESG advisory. These industries may benefit from regulatory certainty and alignment with international standards.

Clear and consistent regulations which align across countries can provide businesses with greater certainty and stability, facilitating long-term planning and investment and may help domestic businesses access international markets.

Wider Impacts (Including Assessment of Impact on SMBs and Households)

An assumption is made that a proportion of business compliance costs may be passed on to households through higher prices for goods and services. A pass-through rate of 30–70% is assumed.

This is because businesses have some ability to adjust prices, but are constrained by market competition, demand elasticity, and contractual arrangements.

⁹ [TNC_SeaChange_CostBenefit_MPA.pdf](#)

¹⁰ [Ecosystem Service Valuation of Blue Carbon Habitats" by Geraldine Doolan and Stephen Hynes](#)

This range reflects a moderate pass-through scenario, consistent with Green Book guidance on partial cost pass-through in competitive markets. Low pass-through (30%) applies to sectors with high competition or price sensitivity. High pass-through (70%) applies to niche or capital-intensive sectors with limited substitutes.

Regions with a high concentration of marine-related businesses, such as ports with offshore service hubs (e.g. Aberdeen, Lowestoft, or Grimsby) may experience more significant costs. These industries may face higher compliance costs and operational adjustments to meet the new regulatory requirements.

At this stage, the BBNJ secondary legislation is not expected to have a significant impact on small or micro businesses. The number of UK-linked SMBs currently operating in ABNJ is expected to be very low. This assumption is based on a very small number of total companies likely currently operating in BBNJ, and the nature of ABNJ operations — such as deep-sea cable laying, offshore construction, and marine scientific research — which typically require specialised equipment, vessel access, and international coordination, making them less accessible to SMBs.

The BBNJ Agreement does not contain a provision for countries to exempt small and micro businesses, and so it is not within the UK's power to exempt these businesses whilst implementing BBNJ.

Environmental screening requirements are designed to apply proportionately to the potential impact of an activity, not the size of the operator. Exempting SMBs could undermine the effectiveness of the environmental safeguards and the UK's ability to comply with the Agreement.

There is no evidence at this stage to suggest that the proposed measures would impose disproportionate burdens on SMBs. The screening requirement introduced in the Bill is limited in scope and will only apply to activities likely to have more than a minor or transitory effect on the marine environment, or where effects are uncertain. These are unlikely to include the types of low-impact activities typically undertaken by SMBs.

The policy is expected to create compliance costs to businesses in the form of familiarisation with the new policies and requirements, costs of obtaining the licence from the MMO, administrative costs and post-licence monitoring costs, which are charged to the licence holding business.

Business compliance costs:

- Familiarisation: central estimate of £0.072m (£0.0006m – £0.01m)
- Licensing: central estimate of £5.2m (£0.61m – £9.8m)
- Administration: central estimate of £0.77m (£0.47m – £1.5m)
- Monitoring: central estimate of £0.031m (£0.0025m – £0.060m)

It is assumed that these compliance costs are partially passed through to households (30–70%), with the remainder retained by businesses.

Assessment of Impact on Trade and Investment (Including Internal Market Assessment)

The measure is implementing secondary legislation as part of an international agreement. It should not impact on international trade or investment. As above, we expect other countries to be implementing similar requirements.

There are not expected to be direct trade barriers or restrictions resulting from the legislation. The proposed legislation is implementing an international agreement and is expected to be broadly aligned with measures adopted by other signatory countries. As such, it does not introduce new tariffs, quotas, or discriminatory rules that would distort trade flows or violate WTO principles.

However, the measure may still have positive indirect effects on market access, particularly for UK businesses operating in marine sectors. This is because:

- Regulatory alignment with international environmental standards (e.g. BBNJ, IMO, EU sustainability frameworks) can help UK firms meet compliance requirements in overseas markets.
- Participation in the BBNJ Agreement may enhance the UK's reputation in marine governance, supporting access to green finance, ESG-sensitive supply chains, and international partnerships.
- Firms that demonstrate compliance with BBNJ-aligned licensing and EIA processes may be better positioned to win contracts or operate in jurisdictions that value environmental due diligence.

It is possible that non-signatory countries may offer lower compliance costs in the short term. However, many key trading partners are expected to implement similar measures under the BBNJ framework.

Assessment of Environmental Impacts

<https://www.gov.uk/government/publications/environmental-principles-policy-statement>

The effect of this policy is to have greater control and understanding of the types of activities that take place in areas beyond national jurisdiction. The policy will require applicants to consider the effects of their activities in a similar way to what is required within national jurisdiction. The effect of this will lead to more projects potentially being screened to consider their environmental impacts. It is likely that the activities will continue to take place but with the policy in place we will be able to see what activities are happening and suggest appropriate mitigations to limit the potential environmental impacts. For example, large construction projects in ABNJ will be required to undergo screening to determine whether an EIA or a marine licence is required. A marine licence can attach conditions to the proposed project mitigating environmental impact, for instance construction activities may be required to minimise noise and disturbance to marine species during sensitive periods.

The process of conducting EIAs will limit the damages caused by the activities in scope of this secondary legislation. This will be in the form obtaining marine licences for activities that meet the BBNJ threshold and undergoing environmental impact assessments (EIAs) for activities with more than a minor or transitory effect on the marine environment.

Rationale for producing a DMA (as opposed to an OA/IA)

A DMA has been produced because the EANDCB is estimated at £0.58m, with a range of £0.064m to £1.1m, considerably below the £10m threshold.

Yearly breakdown of costs across the appraisal period (nominal values, £000's)

Cost	2025	2026	2027	2028	2029	2030	2031	2032	2023	2034
Familiarisation	7.2									
License	520	520	520	520	520	520	520	520	520	520
Admin	77	77	77	77	77	77	77	77	77	77
Monitoring	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1

Will the policy be reviewed (yes/no): Yes

Review date if applicable:

Review Provision Detail and Monitoring and Evaluation Plans.

Post-Implementation Review of the BBNJ Act (name to be confirmed) will be carried out every 5 years and we will review the associated secondary legislation assessed in this DMA as part of that PIR. The Marine Works (EIA) Regulations are subject to PIR every 5 years. BBNJ EIA measures are also subject to monitoring & review requirements under the Agreement. These have to be reported to the BBNJ CoP or Clearing-House Mechanism in accordance with the Agreement. This could include, for example, EIA screening reports, licence applications on the public register, conditions placed on licences for monitoring of activities.

Objectives will be assessed primarily through feedback from BBNJ compliance mechanisms and subsidiary bodies on the UK's ability to meet our obligations under the Agreement. Stakeholder engagement and review of licensing applications is also expected to highlight any new activities that should be brought into scope of the EIA regime in ABNJ, and if legislative changes are proportionate or have any unintended/unexpected impacts on business.

<https://www.gov.uk/government/publications/business-regulation-producing-post-implementation-reviews/producing-post-implementation-reviews-principles-of-best-practice>