

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:**

**COUNCIL - PART I**

***Informal Working Group - Environment***

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.*

**1. Name(s) of Delegation(s) making the proposal:** Republic of Costa Rica

**2. Please indicate the relevant provision to which the textual proposal refers.**

Regulation 46 bis, Part IV - ISBA/27/C/IWG/ENV/CRP.1

**3. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

Regulation 46 bis Environmental impact assessment

1. An applicant or Contractor, as the case may be, shall carry out an environmental impact assessment of the potential effects on the marine environment of the proposed mining operation in accordance with these regulations, the applicable Standard and Guidelines, as well as Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques.

2. The environmental impact assessment shall include:

(a) Scoping to identify and prioritize the main activities and potential impacts associated with the proposed mining operation, in order to focus the Environmental Impact Statement on the key environmental issues;

(b) Impact assessment and evaluation to describe and predict the nature and extent of the Environmental Effects of the mining operation, including cumulative impacts and residual effects, using Best Available Scientific Evidence;

(c) Identification of measures to prevent, mitigate and manage harmful effects to as low as practicable, including through the development and preparation of an Environmental Management and Monitoring Plan; ~~and as well as residual risk assessment~~

(d) Preparation of the Environmental Impact Statement in accordance with Regulation 47 and the relevant Guidelines.

3. Screening shall also be part of an environmental impact assessment when, following the approval of a Plan of Work, the Contractor modifies the Plan of Work in such a way that the proposed modification constitutes a Material Change in the Environmental Management and Monitoring Plan or Closure Plan, whenever a material change occurs, ~~in order to determine whether~~ a revised Environmental Impact Statement is required.

4. The environmental impact assessment shall:

(a) Be based on relevant baseline data that captures temporal and seasonal variation;

- (b) Include an environmental risk assessment that takes into consideration the region as a whole, in accordance with the objectives and measures of the relevant Regional Environmental Management Plan;
- (c) Provide for stakeholder consultation; and
- (d) Be subject to an independent scientific assessment prior to the submission of the Environmental Impact Statement to the Authority.

5. A Contractor shall review impact assessments, including for cumulative impacts of activities covered by the assessment, periodically and revise them thereafter whenever a change in the mining operation has occurred or there is relevant new information. The review should take place every two years during the mining operation, and five years after the operation concludes.

6. An environmental impact assessment and Environmental Impact Statement shall be considered in accordance with Part II or regulation 57, as the case may be. In the conduct of the environmental impact assessment, the Sponsoring State and Contractor shall maintain consultations, including a system of prior notification, with any coastal State across whose jurisdiction resource deposits in the Area lie, with a view to avoiding infringement of their rights and interests, in accordance with Regulation 4.

**4. Please indicate the rationale for the proposal. [150 word limit]**

- 1- Residual risk is the degree of potential hazard that remains even after the hazard is identified. Measures should be identified to address the residual risk, and for this reason they should be assessed.
- 2- Whenever material change occurs a new EIS must be required; it should not be an option.
- 3- Periodicity must be specifically established in the Regulations. Impact assessments shall continue after the end of the mining process since the effects will linger and they need to be measured and addressed, when needed.