

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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:

Federal Republic of Germany

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

Draft Regulation 46bis

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 46bis

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 the following steps:
 - (a) A Scoping process 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; a scoping report should be concluded to this end;
 - (b) An Environmental Impact assessment and evaluation process to describe and predict the nature and extent of the Environmental Effects of the mining operation, including cumulative impacts and residual effects, based on the results of the performed test mining study, where applicable under Regulation 48bis, and using Best Available Scientific Evidence;
 - (b)bis A consultation and stakeholder engagement process on the basis of the performed impact assessment;
 - (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
 - (d) Preparation and submission to the Authority of the Environmental Impact Statement in accordance with Regulation 47 and the relevant Guidelines while clearly identifying the scientific knowledge gaps and defining to what degree these may influence the overall impact analysis and impact assessment.
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, 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.
 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.
 7. 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]

We support the amendments by the Facilitator (accepted as black text). In Para 1, this Regulation should explicitly refer to the EIA Standard, which outlines in detail the steps of the EIA to be fulfilled by the Contractor. In this regulation these steps can only be named. It is also suggested, that the process is thoroughly discussed by the IWG, including the placing of Scoping and Screening in the process. Furthermore, the contents of Para 4 may (at least partly) be included in the process steps under Para 2. The Impact Assessment should be based on the test mining study (in case this element of the DRegs should be left open at this stage, we recommend the insertion of square brackets). Furthermore, the description of the scientific knowledge gaps is necessary. The level of uncertainty should be made explicit through the EIA.