

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART II**

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 ~~process~~ of the potential effects on the marine environment of the proposed mining operation in accordance with these regulations and the applicable Standard and taking into account the relevant Guidelines as well as Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques.

1bis ~~It~~ During 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.

2. The environmental impact assessment process shall include the following steps:

(a) A ~~S~~ scoping process to identify and prioritize the main activities and potential impacts associated with the proposed mining operation, as well as to identify and engage with Stakeholders, in order to focus the Environmental Impact Statement on the key environmental issues. ~~—A scoping report shall be developed according to the requirements set out in Annex IIIbis.~~

(b) An Environmental ~~I~~ mpact 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/studies, where applicable under Regulation 48bis, and using Best Available Scientific Evidence, Best Environmental Practices, Best Available Techniques, and Good Industry Practice and taking into account, where applicable:

[(i) The intensity or severity of the impact at the specific site being affected;

(ii) The spatial extent of the impact relative to the availability of the habitat type affected;

(iii) The sensitivity/vulnerability of the ecosystem to the impact;

(iv) The ability of an ecosystem to recover from harm, and the rate of such recovery;

(v) The extent to which ecosystem functions may be altered by the impact; and

(vi) The timing and duration of the impact relative to the period in which a species needs the habitat during one or more of its life-history stages.]

(c) ~~The~~ Identification of measures envisaged to prevent, mitigate ~~or if possible, offset,~~ and manage harmful Environmental Effects and risks to as low as practicable and with acceptable limits in accordance with the environmental quality objectives Standards, including through the development and preparation of an Environmental Management and Monitoring Plan;

[(c)bis An analysis of reasonable alternatives to the planned activity under the jurisdiction or control of a State Party, including the no-action alternative;]

(d) The preparation and submission to the Authority of the Environmental Impact Statement to document and report the results of the environmental impact assessment, in accordance with Regulation 47 and the applicable Standards and taking into account 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. 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 as determined under these Regulations, Screening shall also be part of ~~an~~ the environmental impact assessment process. ~~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 process shall:

(a) Be based on relevant baseline data that captures temporal, ~~and~~ seasonal and spatial 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, ~~if any~~;

(c) Provide for ~~s~~Stakeholder consultation in accordance with relevant Standards and Guidelines at the scoping stage and before the Environmental Impact Statement is finalized; and

(d) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority, ~~and~~

[(e) Take into account the results from test mining, in accordance with Regulation 48bis -]

5. A Contractor shall review impact assessments, including for cumulative impacts of activities covered by the assessment, periodically as indicated in the monitoring plan 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 by the Authority in accordance with Part II or regulation 57, as the case may be.

7. In accordance with article 142 of the Convention and Regulation 4 in the conduct of the environmental impact assessment, the Sponsoring State and the Contractor shall maintain consultations, including a system of prior notification, with any coastal State across whose jurisdiction resource deposits in the Area lie, 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.~~

[8][bis] The Environmental Impact Statement shall be in the form prescribed by the Authority in annex IV to these regulations and shall:

(a) Demonstrate that the proposed mining operation is in accordance with all relevant environmental Standards and with the requirements of the relevant Regional Environmental Management Plan.

(b) Be Based on the results of the environmental impact assessment;

(c) Identify comments received through public consultation on the environmental impact assessment and how they have been addressed;

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

We support the amendments inserted by the Facilitator, if not indicated otherwise. In addition, we propose a few amendments, also in tracked changes. The Impact Assessment should be based on the test mining study, we therefore included a reference to the test

mining. Furthermore, the description of the scientific knowledge gaps is necessary. The level of uncertainty should be made explicit through the EIA. The detailed requirements under Para 2b) (i)-(vi) could be better placed in the relevant Standard document.