

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

Informal Working Group - Environment

1. Name(s) of Delegation(s) making the proposal:

Institute of Advanced Sustainability Studies (IASS)

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

DR 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~~ Science, Best Environmental Practices and Best Available Techniques.

1 bis. Each application for exploitation requires a separate EIA for each Mining Area. Where there are several Mining Areas in one contract area, a separate EIA is required for each of them.

1 ter. The Authority will

- (a) guide the contractor in the various steps of the EIA process;
- (b) organise expert hearings and consultations;
- (c) publish consultation documents;
- (d) elaborate and agree on a definition for harm and serious harm to the marine environment and the consequences of causing harm or serious harm; and
- (e) adopt the necessary environmental standards in accordance with DR 45, including for indicators and thresholds, as well as related review criteria to be used for assessing the readiness of an applicant to carry out an EIA.

1 quarter. Environmental impact assessment is the process to:

- (a) Identify, predict, evaluate and mitigate the physicochemical, biological, socioeconomic (including cultural) and other relevant effects of development proposals prior to major decisions being taken and commitments made. This includes all potential effects, both positive and negative, and encompasses natural and anthropogenic receptors and is part of an integrated ecosystem approach to management;
- (b) Identify and prioritize the main activities and environmental effects

associated with the potential mining operation, in order to focus on the key environmental issues. [The environmental impact assessment shall be based on the prior testing of equipment and operations in the Mining Area under application and] include public consultation in various key steps of the process;

- (c) Assist in the determination of best practicable and environmentally least invasive techniques and approaches and screens out unsound options.

1-2. 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

(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, in order to determine whether a revised Environmental Impact Statement is required.

4. During the Scoping stage, the applicant and the Authority shall:

(a) Review the applicant's environmental baseline studies as compiled during the exploration phase, to determine the compliance of the baseline with the respective Standard and to determine whether the baseline studies are sufficient, both in quantitative and qualitative terms, prior to an EIA;

(b) Assess whether the available baseline knowledge on the affected local and regional ecosystems and their functioning capture temporal and spatial variability of the marine environment and identify indicators for the natural state as well as for the gradients of pressures due to mining;

(c) Evaluate whether the technology to be employed in the exploitation phase is sufficiently known and tested to enable a reliable prediction of environmental effects;

(d) Identify and prioritize the risks and impacts arising from the activities associated with the proposed mining operation wherever it occurs, in order to focus the Environmental Impact Statement on the key environmental issues; and

(e) Include the consideration of technical and operational alternatives, including a no-mining alternative.

2-5. The environmental impact assessment shall:

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

(a bis) Predict the effects that may result from the exploitation activities, including cumulative effects and effects of climate change, and assess not only the type, but also the significance of each possible impact and effect;

(a ter) Apply Best Available Science and where applicable other knowledge and information from public consultation;

____(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 and i) identifies the hazards, ii) evaluates the environmental effects of the operation in the mining area, the contract area and the biogeographic region iii) enables risk management and communicates the risks, in accordance with the objectives and measures of the relevant Regional Environmental Management Plan, and in line with the respective Standards;

(b bis) Demonstrate and predict the effectiveness of measures to prevent the loss of biodiversity, mitigate and manage harmful effects, to exceed acceptable levels as defined in this regulation and the related environmental standards, which will be surveyed and reported in an Environmental Management and Monitoring Plan;

(b ter) Clearly identify where scientific knowledge gaps exist and define to what degree these may influence the overall impact analysis and impact assessment;

____(c) Provide for stakeholder consultationengagement;

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