

**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 and send to council2022@isa.org.jm.

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

Norway

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

46bis (and 47)

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.

~~1bis 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.~~

3. (d) ~~The~~ preparation and submission to the Authority of the Environmental Impact Statement in accordance with Regulation 47 ~~and the applicable Standards~~ and ~~taking into account~~ the relevant Guidelines.

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.

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.

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

Norway recognizes the work done here to clarify and streamline 46bis and welcome the intent to clarify the relationship between 46bis and 47 – the process and the statement, and when and on the basis of what documents the stakeholder consultations shall take place. We realise that DR 46bis and 47 DR have been separated in order to provide more clarity, but Norway is of the view that it could be preferable to combine DR 46bis with DR 47 to clarify that as a part of the preparation of the EIS, an EIA process must be conducted. Such a combined Reg could start with a reference to DR 7 (3) d), where the EIS is listed as a document to follow an application of Plan of Work. Then it could set out the requirements for an EIS, and then further down in the same reg specify that at an EIS is based on an EIA process and describe the steps of this process, including the scoping stage. It is generally important that all elements to be assessed are stated clearly, and that it is clear what procedural requirements apply and at what stage. Norway is interested to be part of any initiative to draft such a combined DR. -Para (1)bis is a duplicate of (7).– Para (2)2 b) (i) – (vi) are welcome additions, but in our view, these elements might belong in the EIA standard. -Para (2) d) overlaps with DR 47 (2) and belongs there, unless we agree to merge the two. - Para (4) c) We suggest removing “and before the Environmental Impact Statement is finalized.” Stakeholder consultation at the scoping stage and on the Environmental Plans in accordance with DR 11 should be sufficient. – Para (4)d): In a Norwegian context, it is preferable for the contractor to be the only responsible entity for its EIA/EIS. Further, it is for the LTC as the Council’s advisory organ to assess an application for a plan of work and supplementary documents. We welcome further discussion on the necessity of review by independent experts. Para (6): This reads as if both the EIA and the EIS should be reviewed by the Authority. If the EIA process is the basis for the EIS, then only the EIS will be reviewed by the Authority. The para also belongs in DR 47, if this is the case.