

**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:

SPAIN

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

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.

1. An applicant or Contractor, as the case may be, shall carry out an environmental impact assessment process on 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 In the conduct of the environmental impact assessment, the Sponsoring State and Contractor shall maintain consultations ~~and in addition, 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 scoping ~~Stage 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. The final outcome will result in a binding document for all the parties in the mining operation.

(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 ~~and synergistic~~ effects also considering other existing and foreseen mining operations, using Best Available Scientific Evidence, Best Environmental Practices, Best Available Techniques, ~~and Good Industry Practice~~ and taking into account, where applicable:

(vi) The timing and duration of the impact relative to the period in which a species needs the habitat affected for its long survival ~~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.~~

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 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 the environmental impact assessment process in order to determine if whether a new Environmental Impact Assessment and Environmental Impact Statement is required.

4 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 and applicable Regional Environmental Management Plan, ~~if any~~;

5. A Contractor shall review impact assessments, including for cumulative and synergistic 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.

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 notification⁵ 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,

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

[1 (bis)] Proposal to stress the need for a global and public consultation, and not only to potential affected States. Moreover, it is the wording included in regulation 46bis 8bis c). [(a)] SPAIN is in favour of adding "Stage" to Scoping, since this is one of the Stages of the EIA process. SPAIN is in favour of this regulation. As stated by other members, the wording must show the relevance of the scoping document as the final outcome of this process, a binding document for all the parties. [(b)] New wording proposal. The "environmental impact assessment" necessarily implies a "evaluation process" so the current wording seems redundant. SPAIN is in favour of supporting the Mexican proposal to take into account the synergistic effects of the mining activities in the environmental impact assessment. In addition, we propose new wording to reflect on the importance to consider also other exploitations whose impacts may act in synergy with those occurring in the proposed operation. The inclusion of "good industry practice" seems unnecessary because it is already included in the previously mentioned BEPs and BATs. [(vi)] Alternative wording proposal. The timing and duration of the impact relative to the period in which a species needs the habitat affected for its long survival. [(d)] SPAIN proposes that when a material change has been produced in a Plan of Work by the Contractor, it shall be necessary a screening to determine if whether a new EIA and EI Statement are required. [4 b] To clarify. [5] Addition in order to be coherent with additions above in art. 46 bis. 2.b). [7] Revision of the wording is needed. Looks like wording is repeated.