

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

- 1. Name of Working Group:** Protection and preservation of the marine environment
- 2. Name(s) of Delegation(s) making the proposal:** Federated States of Micronesia
- 3. Please indicate the relevant provision to which the textual proposal refers.** Draft Regulation 46bis(4)
- 4. 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.**

4. The environmental impact assessment process shall: . . .

(d) Be subject to an independent ~~scientific-expert~~ assessment prior to the submission of the proposed Environmental Impact Statement to the Authority; . . .

(g) Be carried out by a suitable combination of qualified, independent and competent environmental impact assessment practitioners and ~~scientific~~-experts experienced in the relevant issues for the particular project and its location; and

(h) Identify scientific ~~and other~~ knowledge gaps or data uncertainties, and the degree to which these influence the assessment.

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

Without prejudice to the outcomes of the intersessional working group on restructuring draft exploitation regulation 46bis, the Federated States of Micronesia proposes amending sub-paragraphs d, g, and h of paragraph 4 of DR 46bis to avoid the impression that the only types of assessments being carried out and the only types of expertise of relevance to the assessments are of a scientific nature, given the fact that such assessments will likely include social, economic, and cultural considerations, among other elements that are not strictly “scientific.”

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- 2. Name(s) of Delegation(s) making the proposal:** Federated States of Micronesia
- 3. Please indicate the relevant provision to which the textual proposal refers.** Draft Regulation 46bis(1bis) + 46bis(7)
- 4. 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 bis. In the conduct of the environmental impact assessment, the Sponsoring State and Contractor shall, with respect to resource deposits in the Area which lie across limits of national jurisdiction, conduct the environmental impact assessment with due regard to the rights and legitimate interests of any coastal State across whose jurisdiction the resource deposits lie, including through maintaining consultations and a system of prior notification, in accordance with Regulation 4. The Sponsoring State and Contractor shall also maintain consultations with any other coastal State that is adjacent to the site of the activity that is subject to the environmental impact assessment.

~~7. In accordance with article 142 of the Convention and Regulation 4 in the conduct of the environmental impact assessment, with respect to resource deposits in the Area which lie across the limits of national jurisdiction, the Sponsoring State and the Contractor shall maintain consultations, including a system of prior notification, with any coastal State whose limits of national jurisdiction resource deposits in the Area lie adjacent to the Contract Area with a view to avoiding infringement of their rights and legitimate interests.~~

- 5. Please indicate the rationale for the proposal. [150-word limit]**

Without prejudice to the outcomes of the intersessional working group on restructuring draft exploitation regulation 46bis, the Federated States of Micronesia proposes deleting paragraph 7 of DR 46bis in favor of retaining a version of paragraph 1bis (which covers much of the content of paragraph 7). Additionally, the Federated States of Micronesia proposes expanding the remit of paragraph 1bis to include coastal States that are adjacent to the site of the activity subject to the EIA, even if resource deposits do not lie across the jurisdiction of such coastal States.

