

**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:** Council President's Text

- 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.** Schedule (Use of terms and scope)

- 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.**

"**Best Environmental Practices**" means the application of the most appropriate combination of environmental control measures and strategies, ~~{based on the Best Available Scientific Information and Best Available Technology which}~~[that] will change with time in the light of improved knowledge, understanding or technology, [as well as the incorporation of the relevant traditional knowledge of Indigenous Peoples and local communities] taking into account the [guidance set out in the] applicable [Standards and] Guidelines.

...

"**Good Industry Practice**" [**"Best Industry Practice"**] means the exercise of that degree of skill, diligence, prudence and foresight which would reasonably and ordinarily be expected to be applied by a skilled and experienced person engaged in the marine mining industry and other related extractive industries worldwide, ~~{based on Best Environmental Practice, which is based on Best Available Scientific Information and Best Available Technology}~~. [Employment of the latest widely accepted stage of development (state of the art) of processes, of facilities or of methods of operation, consistent with the Fundamental Principles, including using skill, diligence, prudence and foresight which is an would reasonably be expected to be applied by a skilled and experienced person engaged in the marine mining industry]

...

"**Stakeholder**" means a natural or juristic person or an association of persons with an interest of any kind in, or who may be affected by, the proposed or existing Exploitation activities under a Plan of Work in the Area, or who has relevant information, knowledge or expertise.

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

It is not clear to the Federated States of Micronesia why the definition of “Best Environmental Practices” has to make a reference to the Best Available Scientific Information and Best Available Technology (?), given that existing references to Best Environmental Practices in the body of the DRs typically have separate/associated references to Best Available Scientific Evidence/Information and Best Available Techniques rather than conflating them. For a similar reason, the FSM proposes deleting the references to Best Environmental Practices, Best Available Scientific Information, and Best Available Technology in the definition for “Good Industry Practice” – all four concepts need to stand by themselves, as they currently are in the body of the DRs, rather than be conflated with each other. Finally, for the definition of “Stakeholder,” the Federated States of Micronesia proposes inserting a reference to “knowledge,” given how Indigenous Peoples and local communities with relevant traditional knowledge will likely be considered as Stakeholders in the DRs.