

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).

**1. Name of Working Group:**

IWG Environment

**2. Name(s) of Delegation(s) making the proposal:**

Russian Federation

**3. Please indicate the relevant provision to which the textual proposal refers.**

Reg. 46bis

**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. 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 ~~Exploitation activities~~ in accordance with the Rules of the Authority and the applicable Standard and taking into account the relevant Guidelines as well as, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques.

~~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.~~

2. The environmental impact assessment process shall include the following steps:

(a) A scoping Stage and scoping report in accordance with Regulation 46ter and annex IVbis ~~to identify and risk assess the anticipated activities and potential impacts associated with the proposed mining operation which are relevant to the assessment, and identify reasonable alternatives to the proposed activity, including a no action alternative, to Mitigate Environmental Effects, in order to focus the Environmental Impact Statement on the key environmental issues. The outcome will result in a binding document for all the parties in the mining operation. It should include assessment of the available baseline data and their compliance with the relevant Standard, an environmental risk assessment, and the results of the consultation process with Stakeholders in line with the relevant Standards and Guidelines and set out the terms of reference for the environmental impact assessment.~~

(b) An Environmental impact assessment to describe the Marine Environment ~~including and~~ Underwater Cultural Heritage and predict the nature and extent of the Environmental Effects of the mining operation, in accordance with the applicable Standard, including ~~cumulative and synergistic impacts and~~ residual impacts, and synergistic effects also considering other existing and foreseen mining operations, ~~using Best Available Scientific Evidence, Best Archaeological Practices, Best Environmental Practices, Best Available Techniques, and Good Industry Practice and taking into account, where applicable:~~

- (i) The intensity or severity of the impact at the specific site being affected;
- (ii) The spatial extent of the impact relative to the availability of the habitat type affected;
- (iii) The sensitivity/vulnerability of the ecosystem to the impact;
- (iv) The ability of an ecosystem to recover from harm, and the rate of such recovery;

(v) The extent to which ecosystem functions may be altered by the impact; and

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

(c) The identification of measures ~~of the mitigation hierarchy~~ envisaged to prevent, minimize, reduce, and control, mitigate ~~or where possible, avoid, minimize, remediate, rehabilitate and restore~~ or, as a last resort and if approved, offset and manage Environmental Effects and risks to as low as reasonably practicable, and within acceptable levels in accordance with environmental quality objectives Standards as well as measures envisaged to remediate, restore, rehabilitate (where possible) the Marine Environment, including through the development and preparation of an Environmental Management and Monitoring Plan;

3. In addition to the Environmental Impact Statement required for an application for a plan of work pursuant to Regulation 7(3)(d), a Contractor must conduct a new Environmental Impact Assessment and submit a new or revised Environmental Impact Statement when:

(a) A Material Change to an existing Plan of Work is proposed which is likely to increase the adverse Environmental Effects caused by the activities;

(b) An activity described in the Plan of Work is predicted to exceed the impact thresholds set out in the Commission's Recommendations for the Guidance of Contractors ISBA/25/LTC/6/Rev.1 or are relevant Standard ~~that sets screening thresholds for environmental impact assessment~~, and this activity and predicted impact has not already been addressed by an Environmental Impact Statement; or,

4. The environmental impact assessment process shall:

(a) Be based on relevant baseline data that captures temporal (~~7~~-seasonal and interannual) and spatial variation in accordance with relevant Standards and taking into

account relevant Guidelines and the relevant Regional Environmental Management Plan;

~~(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~~

5. A Contractor shall review periodically, as indicated in the Environmental Management and Monitoring Plan, impact assessments previously performed, including cumulative ~~effects and synergistic impacts~~ of activities covered by the assessment and revise them thereafter whenever a change in the mining operation has occurred, there is relevant new information or when the review indicates that such changes warrant a revision.

~~9. The Environmental Impact Statement shall be in the form prescribed by the Authority in annex IV to these regulations and shall:~~

~~(a) Demonstrate that the proposed mining operation is in accordance with all relevant environmental Standards and with the requirements of the relevant Regional Environmental Management Plan.~~

~~(b) Describe the results of the environmental impact assessment;~~

~~(c) Identify substantive comments received through public consultation on the environmental impact assessment and how they have been addressed;~~

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

Paragraph 1bis proposed to delete because it duplicates paragraph 7

We propose to delete the most part of paragraph 2(a) because the regulation about EIA Scoping tells about the same.

Paragraph 2b: Best Available Scientific Evidence, Best Environmental Practices, Best Available Techniques, and Good Industry Practice proposed to be deleted because they are already mentioned in paragraph 1

We propose ~~to move provisions of~~ to delete paragraph 9 because ~~to the~~ the regulation about EIS contents the same provisions

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**3. Please indicate the relevant provision to which the textual proposal refers.**

Reg. 46~~terbis(alt)~~

**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. 1.~~—An applican~~tion~~ or Contractor shall use environmental impact assessment 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.

~~2. 2.~~—In undertaking the environmental impact assessment scoping process, the applicant or Contractor shall:

~~c.~~

~~Identify Stakeholders in accordance with relevant Standards and taking into account any Guidelines; and~~

a-

3. The applicant or Contractor shall prepare and submit to the Secretary-General a scoping report in accordance with this regulation and in the format prescribed in Annex IV bis.

4. Upon receipt of a scoping report from an applicant or Contractor, the Secretary-General shall:

~~b-a. e-~~Make the report available on the Authority’s website for a period of at least 60 days, with an invitation for members of the Authority and Stakeholders to submit comments in writing;

~~e-b. f-~~Following the close of the comment period under paragraph ~~(14)~~(a), provide any comments received to the applicant or Contractor ~~within 2 weeks –a specified timeframe~~ for ~~their~~ response ~~within 60 Days~~;

~~d. g-~~Following the close of the comment period under paragraph ~~(1)~~(a), provide any comments received to the applicant or Contractor with a specified timeframe for response;

~~e-c. h-~~At the expiry of the timeframe specified in paragraph ~~(14)~~ (b), provide the Commission with the scoping report, any stakeholder

comments received, and any responses to those comments from the applicant or Contractor.

5. The Commission shall consider a scoping report submitted in accordance with this regulation, and any comments and responses received, in accordance with any relevant Standards and taking into account Guidelines. Based on this review, the Commission shall approve a scoping report, disapprove it or make recommendations to the applicant or Contractor regarding the proposed environmental impact assessment, accompanied by a detailed rationale.

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

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