

## TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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.

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

Federal Republic of Germany

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

Draft Regulation 47

**Green text** is in original draft; **blue text** indicates Germany's textual proposals

**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.**

Regulation 47

Environmental Impact Assessment Process

1. An applicant or Contractor shall carry out an Environmental Impact Assessment Process on the potential effects on the Marine Environment of the proposed operations and activities.

2. The Environmental Impact Assessment Process shall:

(a) Be based on relevant baseline data that captures temporal, (seasonal and interannual) and spatial variation in accordance with relevant Standards and taking into account relevant Guidelines and the relevant Regional Environmental Management Plan,

(b) Be carried out by qualified, independent experts,

(c) Include an environmental risk assessment and a survey of the seabed to identify Underwater Cultural Heritage, that takes into consideration the region as a whole taking into account the objectives and measures of the relevant and applicable Regional Environmental Management Plan,

(d) Provide for Stakeholder consultation in accordance with Regulation 93bis, relevant Standards and taking into account the relevant Guidelines,

(e) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority,

(f) Take into account the results from test mining, if applicable in accordance with Regulation 48bis,

(g) Be conducted in accordance with the terms of reference developed during the scoping process, and

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

3. The Environmental Impact Assessment Process must follow certain procedural steps to having the plan of work assessed and entail the following elements:

- (a) A scoping Stage and scoping report in accordance with Regulation 47ter to identify and risk assess the anticipated activities and potential impacts associated with the proposed mining operation which are relevant to the assessment.
- (b) An assessment to describe the impacts on the marine environment and Underwater Cultural Heritage and predict the nature and extent of the Environmental Effects of the mining operation including residual impacts, also considering other existing and foreseen mining operations. This includes assessing:
  - ~~(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 during one or more of its life history stages affected for its long survival.~~
- (c) The Identification of measures envisaged to prevent, minimize control, mitigate or, if possible, offset and manage Environmental Effects and risks to as low as reasonably practicable, while within acceptable levels in accordance with environmental Standards,
- (d) The Identification of measures envisaged to remediate, restore, rehabilitate (where possible) the Marine Environment, including through the development and preparation of an Environmental Management and Monitoring Plan,
- (e) An analysis of reasonable alternatives to the planned activity under the jurisdiction or control of a State Party, including the no-action alternative,
- (f) The preparation and submission to the Authority of the Environmental Impact Statement to document and report the results of the environmental impact assessment in accordance with Regulation 47bis, the applicable Standards and taking into account the relevant Guidelines,
- (g) Publication and review by the Commission of the Environmental Impact Statement, and publication of the report and recommendation by the Commission to the Council pursuant to Regulations 11 – 15.
- (h) A decision by the Council to approve, or not approve, the proposed activities or proposed modification to the Plan of Work that was the subject of the Environmental Impact Assessment, including any

conditions imposed upon an approval, which decision shall be recorded and published in accordance with Regulation 16, and

- (i) A proactive consultation by an applicant or Contractor with Stakeholders at all stages, in accordance with relevant Standards and taking account of Guideline, which includes:
  - (i) Providing Stakeholders with access to up-to-date and comprehensive information about the proposed activities and environmental data and impacts,
  - (ii) Using best efforts to obtain Stakeholder comments on the draft scoping report and draft environmental impact statement for a reasonable period,
  - (iii) Provide a reasonable opportunity for Stakeholders to raise enquiries and to make known their views,
  - (iv) Make publicly available Stakeholder comments received during the consultation process, including on the applicant or Contractor's own website, and
  - (v) Record and address, in the scoping report and Environmental Impact Statement respectively, any substantive and relevant Stakeholder comments received.

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

We welcome the adoption of the structural approach as suggested by the intersessional working group. We suggest that DR 47 will be limited to 1) overarching aspects and 2) the procedural steps of the EIA process. Any details (as deleted in the text above) should be moved to the relevant specific regulations that follow.

We look forward to further intersessional work (as proposed by the UK) on streamlining the provisions for the EIA.