

**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:

Informal Working Group for the Protection and Preservation of the Marine Environment

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

The Pew Charitable Trusts

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

DR 48bis

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.

[Regulation 48 bis

New Environmental Impact Assessment and Revised Environmental Impact Statement

1. A Contractor shall conduct a new Environmental Impact Assessment and submit a revised Environmental Impact Statement in accordance with regulation 57 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. A Material Change in the Marine Environment is detected through monitoring or other data sources which would call for a new or reviewed Environmental Impact Statement,

c. An activity described in the Plan of Work is predicted to exceed the impact thresholds set out in the Standards on environmental thresholds,

d. A relevant Standard, ~~and this~~ activity, or ~~and~~ predicted impact has not already been addressed by an Environmental Impact Statement, or

e. Otherwise deemed necessary by the Commission or Council, in accordance with applicable Standards and taking into account Guidelines, ~~e.g., when changes to an existing Plan of Work is proposed other than the type described under sub-paragraph (1)(a) or when the Commission requests an applicant to change its proposed Plan of Work during the application stage under Regulation 14.]~~

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

Draft regulation 57 provides that a Plan of Work shall not be modified except in accordance with that regulation. The EIS constitutes part of the Plan of Work, and this DR48bis appears to enable modification of the EIA outside of DR57. So, to avoid DR48 bis conflicting with DR 57, we suggest a cross-reference is made.

In relation to sub-paragraph (e) the example does not seem fitting language for regulations, so we would suggest ending the sentence after 'guidelines'. We would also recommend that the Council is also given the power here to trigger a new EIA and subsequent EIS, not only the LTC.