

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

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:

Environment

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

3. Kingdom of Denmark, Ireland, Federated States of Micronesia and Portugal

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

DR47.alt

5. 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.

Proposed changes **highlighted in blue**

Regulation 47 alt.

Environmental Impact Assessment Process

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

2. The purpose of an environmental impact assessment under this regulation shall be to predict environmental impacts anticipated from the proposed activities, to enable the Authority to assess the potential adverse Environmental Effects, with the aim to:

(a) Ensure effective protection for the marine environment from harmful effects which may arise from such proposed activities,

(b) Ensure that activities in the Area are carried out with reasonable regard for other activities in the Marine Environment,

(c) Prevent **Avoid Serious H**arm to the Marine Environment arising out of the proposed activities,

(d) Ensure, in accordance with **article 142 of the Convention and Regulation 4**the Convention, that the Sponsoring State **or States** and the Contractor, **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 **and duties** of **adjacent coastal States and any other potentially most affected costal States** by maintaining **targeted and proactive** consultations **and a system of prior notification to avoid infringement of their rights and legitimate interests**in accordance with Regulation 93.ter, and

(e) Ensure that the proposed activities are carried out in accordance with the Rules of the Authority, general International Law, including the

Convention and the applicable Standard and taking into account the relevant Guidelines as well as, Best Available Scientific Information, Best Environmental Practices, and Best Available Techniques

3. The Environmental Impact Assessment **Process** shall:

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

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

(b)bis Be based on the best available science and scientific information, and, where available, relevant traditional knowledge of Indigenous Peoples and local communities.

(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 scoping in accordance with Regulation 47ter 4(o), and

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

(i) be an iterative process where specific stages are revisited and may be updated in the light of new information or new activity at a later stage

4. The Environmental Impact Assessment process must follow certain procedural steps and entail the following elements:

(a) A scoping Stage and scoping report in accordance with Regulation 47bis to identify and risk assess the anticipated activities and potential impacts associated with the proposed Exploitation which are relevant to the Environmental Impact Assessment.

(b) A stage for assessment of environmental impacts including:

(i) An update to the environmental risk assessment, as developed during scoping, describing the likely impacts on the marine environment and Underwater Cultural Heritage and predict the nature and extent of the Environmental Effects of the Exploitation including residual impacts, also considering cumulative impacts, including

existing and foreseen mining operations, other activities and natural phenomena.

(ii) An evaluation of significant and harmful effects on the environment and ecosystem services, founded on clear and transparent assessment criteria and a robust evidence base, using best available science and scientific information;

(iii) The presentation and evaluation of potential mitigation measures, and subsequent statement of management and monitoring commitments (together with the EMMP), to mitigate, avoid and minimize effects, and monitor residual impacts;

(c) A stage on 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,

d) The 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

(e) 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

(f) 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

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

The proposed changes are to improve clarity and to reflect the proposal for consultations with coastal States of DR93ter. For more detailed rational, please see DR93.ter