

**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:**

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 48alt

**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.**

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

1. An applicant or Contractor, as the case may be, shall prepare an Environmental Impact Statement in accordance with this regulation. Such an Environmental Impact Statement shall be considered by the Authority in accordance with Part II or Regulation 57 and is required for an application for a plan of work pursuant to Regulation 7(3)(d).
2. The Environmental Impact Statement shall document and report the results of the Environmental Impact Assessment carried out in accordance with Regulation 47ter and shall provide the ~~International Seabed~~ Authority, its member States and other Stakeholders with unambiguous documentation of the potential Environmental Effects based ~~on the Best Available Scientific Information, Best Environmental Practices, and Best Available Techniques,~~ and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted.
3. The Environmental Impact Statement shall be in a form prescribed by the Authority in the relevant Standard and in accordance with the relevant Guideline:
  - a. Detail the results of the ~~E~~environmental ~~I~~mpact ~~A~~assessment including the methodology used, and evaluation of the identified environmental impacts
  - b. Demonstrate that the proposed Exploitation is in accordance with all relevant environmental Standards and the Authority's environmental objectives and in accordance with the requirements of the relevant Regional Environmental Management Plan, environmental baseline data as well as any additional objectives as set by the Contractor and any results of the performed test mining study, where applicable,

- c. Describe outreach and consultations undertaken and Identify substantive comments received through public consultation on the Environmental Impact Assessment and explain how each comment has been incorporated or otherwise addressed.
- d. Be prepared in clear and non-technical language and in an official language of the Authority together with an English-language version, where applicable.
- e. Be peer reviewed by competent independent experts, before submission.

4. The Environmental Impact Statement shall, but not limited to, entail the following elements, which are described in greater detail in [Annex IV/ Standard]:

- a. An executive summary to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers.

(b) A description of the proposed project [description of the proposed project including information on location, associated activities, required infrastructure, mineral resources (type, size, shape, tonnage, volume, grade), technologies and (mining-)equipment to be used, project scale overview (spatial, temporal, operational depth), transport and handling of materials, on-site processing, commissioning, construction and operating standards, design codes, health and safety aspects, workforce, decommissioning and closure, a timetable for the entire operation project proponents as well as a description of the report, including its scope and structure and overview of the stakeholder consultation process and consultation]

[(b)bis A description of applicable national and international legislation, procedures and policies, and other applicable standards, principles and guidelines, for example the Convention including the 1994 Agreement relating, relevant rules from the International maritime Organization and International Law in general.]

- (b)ter A summary of the Commission's recommendations on the scoping report and the agreed terms of reference for the applicant's Environmental Impact Assessment submitted to the Commission, and justification for any deviation either from those terms of reference, or from the Commission's recommendations.

(c) A description of Methodologies [for collecting and analyzing baseline and 'test mining' data and assessing the potential environmental impact and Environmental Effects from the proposed operations and alternatives considered.]

(d) A description of the existing oceanographic, physiochemical and geological environment,

(e) A description of the existing biological environment, [including information on prior research/Exploration studies, biological properties and communities and ecosystem that could be impacted by proposed activities]

- (f) A description of the socioeconomic and sociocultural environment, including existing human activities [on fisheries, marine traffic, submarine cables, tourism, ongoing scientific research, sociocultural use, and sites of cultural or historical significance].

(g) An assessment of environmental impacts on the physical, chemical and geological environment and proposed Mitigation, [including description of the impact source, potential impact categories and pathways, receptors and impacts, any potential Cumulative Environmental Effects, unavoidable residual impacts and effects that may remain, and the extent to which any potential impacts and effects may occur in areas under a State's national jurisdiction.]

(h) An assessment of environmental impacts and Environmental Effects on the biological environment and proposed Mitigation, [including

description of the impact source, potential impact categories and pathways, receptors and impacts, any potential Cumulative Environmental Effects, unavoidable residual impacts and effects that may remain, and the extent to which any potential impacts and effects may occur in areas under a State's national jurisdiction.]

- (i) An assessment of impacts on the socioeconomic and sociocultural environment and proposed Mitigation, [including description of potential impact categories and pathways and impact identification of existing use (fisheries, marine traffic, submarine cables, tourism, ongoing scientific research, sociocultural use, area-based management tools, sites of cultural or historical significance, ecosystem services), impact on gender and residual impacts,]
  - (i bis) An assessment of any uncertainties associated with assessments detailed in paragraph 4 subparagraphs (g), (h), and (i) under this regulation, including the implications of those uncertainties for the Environmental Impact Assessment and its findings, measures taken to reduce uncertainties in those findings to as low as reasonably practicable and manage any remaining uncertainties,
  - (j) An description ~~outline~~ of hazards arising from natural, accidental and discharge events, for example related to extreme weather, natural hazards, accidental events, maritime safety, emergency response,
  - k. A description of waste management,
  - l. A summary of key issues in the Environmental Impact Statement and how they will be addressed in the Environmental Management, and Monitoring Plan and Closure Plan,
  - (m) A description of responsible product stewardship related to the intended use of the mineral-bearing ore once it leaves the Area, including how the Contractor will minimize effects on health, safety, environmental as well as socioeconomic and sociocultural impacts,
  - (n) A ~~summary~~ description of the nature, extent, participation and outcomes of consultations that have taken place with Stakeholders, and how their comments have been addressed in the environmental impact assessment ~~and stakeholder engagement and methods,~~
  - (o) A summary of the study team outlining the people involved in the environmental impact assessment studies and in writing the Environmental Impact Statement,]
5. The Environmental Impact Statement of every project, including any revisions, shall ~~be~~ be made available on the official website of the International Seabed Authority by the Secretary-General in the interests of transparency of the whole process in accordance with regulation 92.

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

Similar to the Scoping Report regulation, some of the text was not carried on the basis that it would be more appropriate in the Annex/Standard or Guidelines. While we are fine with that text moving to an Annex or Standard, we believe that until the Annex or subsidiary documents have been revised it would be helpful to retain this extra detail in the regulations with some mark indicating that it may be moved elsewhere.

For paragraph 4, we do not support this moving to the EIA Guideline as proposed in the Matrix.