

**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:

IWG Environment

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

Norway

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

Regulation 47 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.

3. The Environmental Impact Assessment Process shall:

...

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

...

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

....

~~(g) Be conducted in accordance with the terms of reference developed during scoping in accordance with Regulation 47ter 4(o), and~~

....

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 in accordance with Regulation 47bis 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;~~

~~(e) 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,~~

~~(cd) The development, 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~~

~~(de) 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~~

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

Paragraph 3: Norway suggests adding the word “Process” to the chapeau of paragraph 3, as this paragraph includes provisions relating to the whole EIA-process.

We further suggest deleting (b). The EIA needs to draw on expertise of different independent experts, but ultimately, it is the Contractor who is responsible for the process. If this is not the case, it would be difficult to hold the Contractor liable for any faults or inadequacies in the EIA-process.

Norway further suggests deleting subparagraph (e), as it is not clear how and what such an assessment entail. Independent review by experts will be done both during the stakeholder consultations and review by the LTC.

Subparagraph 3 (g) is also deleted, as the scoping is part of the overall EIA-process, and the ToR developed through the Scoping phase cannot guide the scoping phase itself. This is also covered by the provisions relating to Scoping and EIA.

Paragraph 4: Norway suggests deleting subparagraphs 4 (b) (i)-(iii), and simply refer to DR 47bis to make the Regulations more reader-friendly. These obligations are already covered in 47bis, and the text in (i)-(iii) seems like a duplication.

Furthermore, Norway has suggested the deletion of (c), as this is not a singled-out step in accordance with the Regulations. Preparation is a necessary process for the development of an EIS. There are no regulations pertaining specifically to the preparation-stage, only the result and process. For the same reason, see addition to (d) in order to cover the whole EIS process in one subparagraph.

Lastly, Norway proposes deleting subparagraph (f). It is not clear what a “proactive consultation” includes. The Stakeholder Consultations for each stage of the process are dealt with in paragraph 47bis to 48bis, and the added value of (f) is therefore not clear.