

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION: COUNCIL - PART II

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(s) of Delegation(s) making the proposal:

United Kingdom

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

Draft Regulations 46, 47, 47 bis and 48

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.

Proposed additions are **underlined in bold**; proposed deletions are ~~**struckthrough in bold**~~.

Section 2

The Environmental Impact Assessment Process

Regulation 46

~~Environmental~~**The Environmental Impact Assessment P**rocess

1. An applicant or Contractor shall carry out an Environmental Impact Assessment on the potential ~~{impacts and}~~ **e**ffects on the Marine Environment of the proposed operations and activities. **The process for carrying out the Environmental Impact Assessment is established in Regulation 46(4).**

2. The purpose of ~~an the~~ Environmental Impact Assessment ~~{Pprocess}~~ **[under this Regulation]** shall be ~~is~~ to ~~{identify, and inform the Authority's assessment of an application of a Plan of Work under Regulations 13 to 16, [or a Contract's continued adherence to these Regulations]}~~ and predict ~~{and evaluate the potential}~~ Environmental Impacts, ~~and Effects~~ **[effects and risks]** ~~[anticipated from]~~ **[of]** the proposed activities ~~in the Area~~ **on the m**arine ~~e~~Environment, and identify necessary measures to Mitigate, ~~[prevent], [minimise]~~ or manage ~~{them}~~ **[such effects and risks]**, to enable the Authority to assess the potential adverse Environmental Effects ~~[and risks]~~, **and inform the Authority's assessment of an application for a Plan of Work under Regulations 13 to 16, 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) ~~[(Avoid Serious)]~~ ~~[(Prevent)]~~ harm to the Marine Environment arising out of the proposed activities;

(d) Ensure, in accordance with the Convention, that the Sponsoring State ~~[(or States)]~~ and the Contractor~~s~~, conduct the ~~[(Plan of Work for Exploitation)]~~ ~~[(Environmental Impact Assessment)]~~ with due regard to the rights and legitimate interests of ~~[(adjacent) coastal States and any other]~~ potentially most affected coastal State by maintaining, ~~[(timely)]~~ ~~[(targeted and proactive)]~~ consultations in accordance with Regulation 93 ter; and

(e) ~~Ensure that the proposed activities are carried out in accordance with [(the Convention, the Agreement)],~~ ~~the R~~rules, regulations and procedures of the Authority ~~[(general International Law and other international and regional seas Conventions)]~~ and the applicable Standards and taking into consideration the Guidelines as well as, Best Available Scientific Information, Best Environmental Practices, and Best Available Techniques.

3. The ~~[(process for Environmental Impact Assessment process)]~~~~[(Environmental Impact Assessment [(Process)]]~~ shall:

(a) ~~Be based on relevant [(and representative)]~~ environmental baseline data ~~[(based on sufficient scientific information)]~~ in accordance with ~~[(applicable)]~~ Standards ~~[(and Regional Environmental Management Plans)]~~ and taking into consideration the Guidelines ~~[(and the objectives and measures of the [(relevant) Regional Environmental Management Plan]]~~;

~~[(a)bis Be based on a Scoping Report;]~~

(b) ~~Be carried out by [(competent)], [(qualified)], [(and)] [(independent)]~~ experts;

(b) ~~bis Be based on the Bbest Aavailable [(Science and)] Sscientific information, and, [(if applicable, taking into account [(where available)]]~~ relevant traditional knowledge of Indigenous Peoples and ~~[(of)]~~ local communities;

(c) ~~Include an Environmental Risk Assessment [(and a survey of the seabed to identify Underwater Cultural Heritage)]~~ that ~~t~~Takes into consideration the region as a whole, ~~including~~ taking into account the objectives and measures of ~~[(in accordance with)]~~ the relevant Regional Environmental Management Plan;

(d) Provide for ~~[(Stakeholder)]~~ consultation ~~[(with all States and Stakeholders)]~~~~[(in accordance with Regulation 93 bis, applicable]~~relevant Standards and taking into ~~consideration~~ account the relevant Guidelines;

~~[(d) bis Provide for consultation with all States and Stakeholders in accordance with Regulation 93 bis, 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 48 ter;]~~

(g) ~~Be conducted in accordance with the terms of reference developed during scoping in accordance with Regulation 47 bis;~~

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

(i) Be an iterative process where specific stages ~~[(of the activities)]~~ 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~~ ~~[Pprocess]~~ must **consist of the following ing certain procedural steps in accordance with the applicable Standard and taking into account the Guidelines and entail the following elements:**

(a) A ~~stage for~~ ~~scoping~~ ~~Stage and scoping report~~ in accordance with Regulation 47 bis ~~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 ~~{and evaluation}~~ of Environmental Impacts ~~{in accordance with Regulation 47;}~~

(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 Regulations 47 **and 48, the applicable Standards and taking into consideration the Guidelines;**

(d) The ~~[development,]~~ publication and review by the Commission of the Environmental Impact Statement, and publication of the ~~{Commission's}~~ report and recommendations 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 ~~[the applicable]~~relevant Standards and taking ~~[into]~~ consideration account of Guidelines, which includes:~~

~~[(i) Providing Stakeholders with access to up-to-date and comprehensive ~~[environmental data and]~~ information ~~[relating to/about]~~ the proposed activities ~~[their 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.]]~~

Regulation 47 bis

Scoping

1. An applicant or Contractor shall undertake scoping and prepare and submit to the Secretary-General a Scoping Report in accordance with this Regulation, Annex III bis, the applicable Standard and taking into account the applicable Guidelines.

2. An applicant or Contractor shall **undertake** ~~use~~ ~~Environmental Impact Assessment~~ scoping to identify and prioritize ~~the main activities and~~ potential impacts **of the activities** associated with the proposed Exploitation, ~~in order~~ to **inform** ~~focus~~ the Environmental Impact Assessment and Environmental Impact Statement on the key environmental issues.

3. In undertaking the ~~Environmental Impact Assessment~~ scoping, the applicant or Contractor, shall:

(a) Review available data and knowledge, and propose additional data to be collected and studies needed to complete an Environmental Impact Statement in accordance with these Regulations;

(b) Undertake a preliminary ~~impact~~ analysis ~~and of the Environmental Impacts and Effects Risk Assessment~~ which will be updated as the Environmental Impact Assessment proceeds;

(b bis) Take into consideration the region as a whole in accordance with the relevant Regional Environmental Management Plan;

[(c) Identify [potentially affected] Stakeholders in accordance with [the applicable] Standards and taking into consideration the Guidelines;]

(c) bis Engage with [potentially affected] Stakeholders, and in accordance with [Regulation 93 ter.,] Standards and taking into consideration the Guidelines;

(d) Identify and evaluate feasible alternative means of carrying out the project that will be ~~{further}~~ examined in the Environmental Impact Assessment;

(e) Use the ~~b~~Best ~~a~~Available ~~science~~ ~~and~~ ~~s~~Scientific ~~i~~Information and, where available, relevant traditional knowledge of Indigenous Peoples and local communities;

(f) Identify terms of reference for the Environmental Impact Assessment; and

(g) Prepare a ~~report on the outcomes of scoping described above, including the terms of reference (“Scoping Report”)~~ **in accordance with Annex IIIbis.**

4. The applicant or Contractor shall consult on the Scoping Report, with all States and Stakeholders in accordance with Regulation 93 bis, ~~{before submission for approval}~~.

5. The Commission shall consider ~~a~~ **the** Scoping Report submitted in accordance with this Regulation, ~~and~~ taking into account the consultation submission received under Regulation 93 bis (8), the applicant or Contractor’s written response prepared under Regulation 93 bis (9), **in accordance with the applicable Standards and taking into consideration the Guidelines, and** any additional information provided by the Secretary-General, ~~and in accordance with [the applicable] Standards and taking into consideration the Guidelines~~. Based on this review, the Commission shall either approve ~~a~~ **the** Scoping Report, disapprove it or make recommendations to the applicant or Contractor under paragraph ~~6~~**7**.

6. The Commission may recommend that the applicant ~~{or Contractor}~~:

(a) revise the preliminary **analysis of the Environmental Impacts and Effects Environmental Risk Assessment**, terms of reference or other aspects of the Scoping Report;

(b) Submits the **Scoping R**eport for further consideration; or

(c) Further consults under Regulation 93 bis on any revised Scoping Report, particularly if the recommendations are likely to lead to a Material Change in the Scoping Report.

7. The applicant or Contractor must obtain the Commission’s approval of the Scoping Report under paragraph 6 before proceeding with the next steps of the Environmental Impact Assessment pursuant to Regulation 47.

Regulation 47

Environmental Impact Assessment

1. The applicant or Contractor shall, in accordance with the applicable Standards, and taking into {account} the Guidelines, undertake an Environmental impact ~~a~~Assessment, {as described in Regulation 46 (24),} based on the terms of reference {agreed} in the Scoping Report. ~~This includes assessing:~~

- ~~(a) The intensity or severity of the impact at the {area being affected};~~
- ~~(b) The spatial extent of the impact relative to the availability of the habitat type affected;~~
- ~~(c) The sensitivity {and} vulnerability of the ecosystem to the impact;~~
- ~~(d) The ability of an ecosystem to recover from harm, and the rate of such recovery;~~
- ~~(e) The extent to which ecosystem functions may be altered by the impact; and~~
- ~~{(f) 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.}~~

2. {In} undertaking the Environmental impact ~~a~~Assessment, the applicant or Contractor shall complete:

- (a) An analysis of reasonable alternatives to the planned activity, including the no-action alternative;
- (b) An updated analysis of the Environmental Impacts and EffectsRisk Assessment, which adds to the preliminary analysis of the Environmental Impacts and EffectsRisk Assessment required during scoping by Regulation 47 bis(3)(b);
- (c) An identification of Environmental Impacts and Effects risks requiring particular focus, including in the Environmental Management and Monitoring Plan;
- (d) Identification of measures to ~~monitor Environmental Effects to identify measures to {prevent}, m~~Mitigate and manage such Environmental Impacts and eEffects and risks identified by the assessment described in Regulation 47bis(3b) to as low as reasonably practicable, and measures to monitor such Environmental Impacts and Effects, while within acceptable levels in accordance with environmental applicable Standards, including through the development of an Environmental Management and Monitoring Plan; and
- [(e) Provide for engagement with [potentially directly affected] Stakeholders and in accordance with [Regulation 93 ter], applicable Standards and taking into consideration Guidelines;]

Regulation 48 ~~Alt.~~

Environmental Impact Statement

1. An applicant or Contractor, ~~{as the case may be,}~~ shall prepare an Environmental Impact Statement in accordance with this Regulation, ~~{Annex IV, the applicable Standards and taking into account Guidelines}. {The} {Such} {an} Environmental Impact Statement {will} {shall} be considered by the Authority in accordance with Part II or Regulation 57, {which include a consultation with States and~~

~~Stakeholders on the Environmental Impact Statement, by the applicant or Contractor and in accordance with Regulation 93 bis], 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 47 ~~ter~~ and shall provide the ~~[International Seabed]~~ Authority, its member States and other Stakeholders with ~~[unambiguous] [clear]~~ 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].~~

2.bis. The applicant or Contractor shall ~~[endeavour to]~~ engage with potentially directly affected Stakeholders, and in accordance with ~~[Regulation 93 ter,]~~ applicable Standards, and taking into consideration Guidelines, during the development of the Environmental Impact Statement.

~~[2.ter. The applicant or Contractor shall consult with all States and Stakeholders in accordance with Regulation 93bis on the Environmental Impact Statement before submission for approval.]~~

3. The Environmental Impact Statement shall be in a form prescribed by the Authority in ~~[Annex IV]~~ and the ~~[applicable]~~ ~~[relevant]~~ Standard and ~~[in accordance with the relevant]~~ ~~[taking take into consideration the applicable]~~ Guidelines, ~~[and shall]:~~

(a) Detail the results of the Environmental Impact Assessment including the methodology used, ~~[the sufficiency of information]~~ and evaluation of the identified Environmental Impacts **and Effects**;

(b) Demonstrate that the proposed Exploitation is in accordance with all **applicable relevant environmental** Standards and the Authority's environmental objectives and ~~[taking into consideration]~~ ~~[in accordance with the requirements of]~~ the relevant Regional Environmental Management Plan, **and takes into consideration** ~~[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 engagement and consultations undertaken and]~~ ~~[Identify substantive [and relevant] comments received through public consultation [with all States and Stakeholders] on the Environmental Impact Assessment and [include the written response prepared under Regulation 93bis(9); explain how [such] [each] comments have been incorporated or otherwise addressed,~~

~~[(c) bis Demonstrate **that the applicant or Contractor it** has conducted consultation with Stakeholders, in accordance with [Regulation 93 ter] [and Regulation 93 bis] and the applicable Standards, and taking into consideration the Guidelines.]~~

(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,]~~

~~[3. bis The applicant or Contractor shall [endeavour to] engage with potentially [directly] affected Stakeholders, and in accordance with [Regulation 93 ter] applicable Standards, and taking into consideration the Guidelines, during the development of the Environmental Impact Statement.]~~

~~[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, [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) An [description outline] 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) ——— [An overview of the downstream supply chain A description of responsible product stewardship] related to the intended use of the mineral bearing ore once it leaves the [Contract] Area, [including how the Contractor will minimize effects on health, safety, environmental as well as socioeconomic and sociocultural impacts,]~~

~~(n) A [description summary] 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 [made] available on the [official website of the International Seabed Authority's website in accordance with Regulation 92. [by the Secretary General] in the interests of transparency of the whole process in accordance with Regulation 92.~~

4. Please indicate the rationale for the proposal.

Our proposed changes aim to streamline these regulations and remove duplication across the different regulations. In our view, such duplication could lead to differences in interpretation and risks inconsistent application.

In terms of overall structure, Regulation 47bis (“Scoping”) has been moved to precede Regulation 47 (“Environmental Impact Assessment”).

We suggest that either an Environmental Impact Assessment (EIA) process or an Environmental Risk Assessment (ERA) process is required, due to the apparent significant overlap between the two processes as described in the Regulations, Standard and Guidelines. Risk identification in the ERA process appears to constitute scoping in the EIA process; risk estimation and evaluation in ERA appears to constitute impact assessment and impact significance in EIA; while risk management in the ERA process appears to constitute mitigation in the EIA process. We are concerned that what is currently described in these regulations (and the accompanying guidelines) inconsistently combines elements from these two processes, which introduces confusion. To ensure clarity, we strongly suggest that only an EIA process is described, covering scoping, impact assessment and mitigation, and that references to ‘risk’ are deleted (with terminology of ‘effect’ and ‘impact’ retained). This EIA process must also be fully detailed in the guidelines, with reference to ERA deleted from there also.

We take the view that where we have recommended text be moved to the Standard and Guidelines, that this will be subject to them being developed collaboratively at Council. If they will not be reviewed in this way, then we would prefer that any such text be moved to an Annex.

We note that further work is required on stakeholder consultation across the regulations, so we have not suggested amendments on those paragraphs, prior to the finalisation of that work.

Rationale for UK proposed changes to Regulation 46

- Our proposed changes aim to streamline this Regulation. In our view, this Regulation should provide an overview of the process itself, and not include details of what should be included in specific stages of the process.
- These changes are intended to strengthen the Regulation by minimising repetition and improving clarity.
- Changes are also proposed to place greater emphasis on the sequential nature of the EIA process.

Title: ‘Environmental Impact Assessment’ is a recognised term internationally and cross-sectorally and ‘Environmental’ should be retained for clarity. It is widely accepted that an EIA encompasses ecological, social and economic factors. To emphasise this, and as raised during the Underwater Cultural Heritage Intersessional Working Group (UCH IWG) discussion at July Council, we propose an additional paragraph (x):

The process for an Environmental Impact Assessment shall consider the impacts and Effects of relevant activities on Environmental, social and economic aspects such as marine biodiversity, Underwater Cultural Heritage, and other maritime uses in accordance with Standards and taking into account Guidelines.

Paragraph 2: The obligations described in (a) to (e) are general requirements of these Regulations as a whole and are not specific to the EIA process. As such, we propose that they are deleted from here. Instead, these obligations must be captured in the appropriate regulations that describe how the Authority is to assess applications for a Plan of Work (Regulations 13-16).

Paragraph 3:

(a) is repetitive of later regulations and can be deleted.

(a.bis), (g) Regulation 47 bis is about the EIA Process as a whole. The EIA Process includes scoping through to final approval of the EIS by the Authority. The EIA Process cannot be based on the Scoping Report or scoping, as scoping is part of the EIA Process.

(b) should be moved to the Standard and Guidelines for the environmental impact assessment process where greater detail as to what is considered an acceptable level of competent can be provided.

(b.bis) should be moved to the Standard and Guidelines for the environmental impact assessment process as it is repetitive of other regulations.

(c) much of this could be deleted, whilst ensuring the reference to REMPs remains. We discuss the reference to UCH below.

UCH IWG (c bis) We note the ongoing discussions on placement of references to Underwater Cultural Heritage in the Regulations. We also note the proposal of (c.bis) by the UCH IWG, and suggest that this should also be included in the Standard and Guidelines for the EIA Process in the following form: ‘Ensure that baseline survey allows for the detection of UCH [and/or human remains] within the areas of the proposed Exploitation activities’.

(d.bis) should be deleted as it is duplicative of (d); we prefer to include only (d) in this Regulation as this Regulation is setting up the high-level requirements for EIAs, which is that consultation with all States and Stakeholders must be undertaken in the EIA process. The more detailed requirements for consultation and engagement and how it should be conducted are drawn out in specific regulations on Scoping (47bis), Environmental Impact Assessments (47) and Environmental Impact Statement (48) respectively below.

(f) should be removed and instead referred to in the Standard and Guidelines for the environmental impact assessment process as this detail is more appropriate in the specific stage of the EIA process that it relates to.

(h) should be moved to the Standard and Guidelines for the environmental impact assessment process where greater detail as to how to identify relevant gaps can be provided. This objective should be implemented in a standardised way aligning with later regulations and may be undertaken in different ways depending on the assessment framework.

Paragraph 4:

Chapeau: This text is intended to emphasise the importance of the Standard and Guidelines in undertaking the procedural steps. Other edits are intended to emphasise that the steps are chronological.

(a) We have deleted some of this text because it is duplicative. Regulation 47bis describes scoping itself.

(c) This text is now duplicative of the chapeau and can therefore be deleted.

Rationale for UK proposed changes to Regulation 47bis

- We propose only minor changes to this regulation.
- Of greatest significance is the movement of DR47bis (Scoping) to precede DR47 (Environmental Impact Assessment), so that these regulations appear in chronological order.

Paragraph 2: ‘Environmental Impact Assessment scoping’ has been replaced throughout this regulation with ‘scoping’ to align with the regulation title. Further amendments are to reduce ambiguity.

Paragraph 3:

(b) We have replaced language referring to an Environmental Risk Assessment with language that aligns with the EIA process.

(b.bis) Text has been moved from DR46 paragraph 3(c) to this sub-paragraph, as it is more relevant in this regulation.

(e.bis) We note the proposal of the UCH IWG, and suggest that the second half of this proposal could be retained here, with edits, to read: ‘identify, to the extent possible, potential areas containing Underwater Cultural Heritage that are located in ~~or otherwise associated with~~ the areas of the proposed Exploitation activities;’

(g) As ‘Scoping Report’ will be a defined term in the Schedule, we suggest that this sub-paragraph could be streamlined.

Paragraph 5: Edit here corrects a numbering error.

Paragraph 6: We have replaced language referring to an Environmental Risk Assessment with language that aligns with the EIA process.

Rationale for UK proposed changes to Regulation 47

- Text has been deleted that should be explained in greater detail in the Draft Standard and Guidelines for the Environmental Impact Assessment process.
- Other changes are to align language with other changes in terminology in other draft regulations.
- A change for technical accuracy is also proposed for DR47(2)(d).

Paragraph 1:

Chapeau To note, that the term ‘impact assessment’ is not defined in the Schedule; we suggest that this should be ‘Environmental Impact Assessment’, which is defined.

(a) – (f) We consider that these criteria are too specific yet not sufficiently detailed, posing the risk that this will be viewed as exhaustive. We think that they should be moved to the Standard and Guidelines for the environmental impact assessment process, where they can be expanded upon significantly. We note the proposal from the UCH IWG for the addition of subparagraph e.bis and suggest that this should be addressed in the same way.

Paragraph 2:

(b) ‘updated’ has been added to detail that this is a continuation of the assessment undertaken at the Scoping stage.

(d) All edits to 47(2)(d) are to ensure accuracy, as monitoring should not inform the development of mitigation measures, rather the opposite.

(e) The changes in Regulation 47 paragraph 2(e) are to bring the sub-paragraph in line with the chapeau.

Rationale for UK proposed changes to Regulation 48

- We propose only minor changes to this regulation.

Paragraph 1: Our view is that the language ‘as the case may be’ is unnecessary. Furthermore, we do not need to refer to Regulation 57 and 7 as the requirements for an EIS should be clearly set out in those regulations. This sentence therefore duplicates requirements set out elsewhere.

Paragraph 3(b): We consider that Exploitation activities should be in accordance with REMPs, and have made amendments to make this clear.

Paragraph 5: We prefer to retain reference to Regulation 92, as this Regulation should also provide that the EIS shall be published on the Seabed Mining Register.