

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART III

*Informal Working Group - Environment*

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).

**1. Name(s) of Delegation(s) making the proposal:**

Proposal submitted by Poland

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

Draft Reg. 46bis (4)(d)

**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.**

4. The environmental impact assessment process shall:

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

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

- We do not support the requirement for a third-party "*independent scientific assessment*" of the proposed Environmental Impact Statement (EIS) prior to the submission of the EIS to the Authority as outlined in 4(d).
- Pursuant to Article 165 of the Convention, the Legal and Technical Commission (**Commission**) was established as a subsidiary organ of the Council to: review plans of work for activities in the Area (Article 165(2)(b)), supervise activities in the Area (Article 165(2)(c)), and make recommendations on the protection of the marine environment (Article 165(2)(e)). The EIS forms part of a Plan of Work.
- We consider that it is the role of the Commission to review the adequacy of the EIS as part of the Commission's review of an applicant's Plan of Work and not that of unknown third party independent experts.
- We note that the Commission is the Authority's body of independent experts, and we consider it a duplication of powers, if the Draft Regulations require "*independent scientific assessment*" by third parties to ensure the adequacy of an applicant's EIS.
- If the Commission requires additional expertise to assess the adequacy of an EIS, the Commission has the power under Article 165(2)(e) to appoint and manage their own experts.
- We therefore jointly recommend the removal of Draft Reg. 46bis (4)(d) as it is unnecessary, duplicative and infringes on explicit powers granted to the Commission under the Convention.

The EIS together with the plans of work being core to the authorization of activities in the area should be reviewable by the LTC as part of its normal duties under Article 165(2)(b), Article 165(2)(c), and Article 165(2)(e) of the Convention on the Law of the Sea, supported by its own experts, particularly since the member countries making up the LTC and regional groups can solicit expert opinions within their countries in support of the work of the LTC.

**Commented [A1]:** I suggest to apply full stop after "its own experts". I think ,that it is not needed to add deleted sentence after comma.  
To quote : "sometimes less is more " .

Subjecting the EIS to a third-party "independent scientific assessment" would be an unnecessary duplication that would not only create space for undue delays but could have the effect of limiting the powers of the LTC.