

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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 of Working Group:

IWG Environment

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

Belgium

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

Draft Regulation 47

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.

1. An Environmental Impact Assessment

Process shall be organized on the potential effects on the Marine Environment of the proposed operations and activities, initiated by the applicant or Contractor 1.

2. The Environmental Impact Assessment Process shall:

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

(b) Make use of ~~Be carried out by~~ qualified, independent experts, 2

3. The Environmental Impact Assessment Process must follow certain procedural steps to having the plan of work assessed and entail the following elements:3

(b) An Environmental Impact Assessment, documented and reported by an Environmental Impact Statement

(i) to describe the impacts on the marine environment and

Underwater Cultural Heritage and predict the nature and extent of the

Environmental Effects of the mining operation including residual impacts, also considering other existing and foreseen mining operations.

(ii) to identify measures envisaged to prevent, minimize control, mitigate or, if possible, offset and manage Environmental Effects and risks to as low as reasonably practicable, while within acceptable levels in accordance with environmental Standards,

(iii) to identify measures envisaged to remediate, restore, rehabilitate (where possible) the Marine Environment, including through the development and preparation of an Environmental

Management and Monitoring Plan,

(iv) to analyze reasonable alternatives to the planned activity under the jurisdiction or control of a State Party, including the no-action alternative.

The description of the impacts mentioned in (i)is includes assessing:4.

- (i) The intensity or severity of the impact at the specific site being affected;
- (ii) The spatial extent of the impact relative to the availability of the habitat type affected;
- (iii) The sensitivity/vulnerability of the ecosystem to the impact;
- (iv) The ability of an ecosystem to recover from harm, and the rate of such recovery;
- (v) The extent to which ecosystem functions may be altered by the impact; and
- (vi) 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.

~~(c) The Identification of measures envisaged to prevent, minimize control, mitigate or, if possible, offset and manage Environmental Effects and risks to as low as reasonably practicable, while within acceptable levels in accordance with environmental Standards,~~

~~(d) The Identification of measures envisaged to remediate, restore, rehabilitate (where possible) the Marine Environment, including through the development and preparation of an Environmental Management and Monitoring Plan,~~

~~(e) An analysis of reasonable alternatives to the planned activity under the jurisdiction or control of a State Party, including the no-action alternative,~~

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

1. The Environmental Impact Process isn't solely carried out by the applicant or Contractor. 2. Same reasoning as in 1., mutatis mutandis: the EIP isn't solely carried out by experts. 3. This paragraph mixes procedural steps and prescribed contents of those steps. E.g. (b) to (e) should be part of one procedural step, the Environmental Impact Assessment (and resulting Environmental Impact Statement). This step consists of all elements mentioned in (b) to (e): an assessment, proposed mitigation measures, restoration measures and reasonable alternatives. E.g. the scoping report, in DR 47ter, mentions the "consideration of reasonable alternative" as part of the Environmental Impact Assessment. Therefore, this proposal to restructure the paragraph a bit. 4. This description could also be transferred to DR47bis.