

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

Informal Working Group for the 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 47bis

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.

**Regulation 47 bis (we recommend this be moved before DR 47)
Environmental Impact Assessment**

1. An applicant or Contractor, as the case may be, shall carry out an Environmental Impact Assessment of proposed Exploitation in accordance with the Rules of the Authority.

2. The purpose of an Environmental Impact Assessment ~~under this regulation~~ shall be to predict environmental impacts and Environmental Effects anticipated from the proposed Exploitation ~~activities~~, to enable the Authority to assess the potential adverse Environmental Effects, 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 Harm to the Marine Environment ~~arising out of the proposed activities~~,
- d. Ensure, in accordance with article 142 of the Convention and Regulation 4, that the Sponsoring State and the Contractor, with respect to resource deposits in the Area which lie across limits of national jurisdiction, conduct the environmental impact assessment with due regard to the rights and legitimate interests and duties of affected coastal States by maintaining consultations and a system of prior notification to avoid infringement of their rights and legitimate interests, and
- e. Ensure that the proposed activities are carried out in accordance with the Rules of the Authority, general International Law, including the Convention and the applicable Standard and taking into account the relevant Guidelines as well as, Best Available Scientific ~~Evidence~~Information], Best Environmental Practices, and Best Available Techniques

3. A Contractor shall ~~periodically, and in accordance with Regulation 48bis,~~ review, and when needed revise, previously performed Environmental Impact Assessments pursuant to Regulations [48bis] and 52. ~~This include reviewing cumulative effects of activities covered by the assessment whenever a material change in the mining operation has occurred, there is relevant new information or when the review indicates that such changes warrant a revision.~~

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

We recommend this regulation be moved before DR 47.

For paragraph 3, it is not clear if the last sentence is meant to specify when a review or a revision should occur or why a review of cumulative effects is specifically mentioned out of all the other elements in the EIA that should also be reviewed. It seems to us that the reference to regulation 48bis is sufficient to indicate when revisions or a new EIA are needed. Draft regulation 52 could also be referenced as a review of the EMMP will naturally also include a review of the EIA.

For paragraph 2, the purpose of the EIA should be to predict both environmental impacts and environmental effects, which would enable the Authority to then assess those environmental effects. For subparagraphs b and c, we recommend deleting 'which may arise from such proposed activities' as the chapeau already makes this connection.