

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

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

DR48 – proposed amendments in green; black text and tracked changes text is from the Consolidated text.

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.

Environmental Impact Statement

1. An applicant or Contractor shall prepare an Environmental Impact Statement in accordance with this Regulation. 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 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].
3. The Environmental Impact Statement shall be in a form prescribed by the Authority in the applicable relevant Standard and in accordance with the relevant 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;
- (b) Demonstrate that the proposed Exploitation is in accordance with all 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, 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 outreach and consultations undertaken and] identify ~~substantive [and relevant]~~ comments received through public consultation on the Environmental Impact Assessment and explain how [such] [each] comments have been incorporated or otherwise addressed,
- (c) bis Demonstrate it has conducted consultation with Stakeholders, in accordance with [Regulation 93 ter] 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 Guidelines, during the development of the Environmental Impact Statement.

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

Australia supports retaining the reference to 'the best available scientific information' and 'the best available scientific techniques' in paragraph 2, which we consider are necessary requirements for robust EIAs.

On paragraph 3, we propose deleting 'substantive and relevant.' We think that it is appropriate that applications demonstrate how all public and stakeholder comments have been accounted for, not just substantive ones, or ones the contractor has determined are relevant. This is an important requirement to improve transparency.

On 3 bis, we suggest that 'shall endeavour' is too low a threshold and so suggest removing 'endeavour'. We also think that Contractors should be required to consult with all stakeholders, not just those with the potential to be *directly* affected.