

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal:

Spain

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

Regulation 48 bis

New Environmental Impact Assessment and Revised Environmental Impact Statement

[Revision for change or new or increased effect or risk]

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.

~~Regulation 48 bis~~ **Alt** ~~[HWG ENV]~~

~~New Environmental Impact Assessment and Revised Environmental Impact Statement~~ **[Revision for change or new or increased effect or risk]**

~~1. [If a Contractor becomes aware that any of the circumstances listed in paragraph 2 below have not been addressed by either an Environmental Impact Assessment or an environmental management and monitoring plan, it shall promptly notify the Secretary General in writing, including:~~

- ~~(a) a detailed description of the circumstance;~~
- ~~(b) details of the potential effect on or risk to the marine environment; and~~
- ~~(c) details of any Environmental Impact Assessment conducted or to be conducted, or proposed modification to the Environmental Management and Monitoring Plan~~

~~[2.] A Contractor shall conduct an [additional new] Environmental Impact Assessment in accordance with Regulation 47 ~~ter~~ and submit an [additional] revised Environmental Impact Statement [where]:~~

- ~~(a) A [Material] Cchange to an existing Plan of Work is proposed which is likely to [significantly] increase the adverse Environmental Effects [or risks] caused by the activities, and is not covered by Regulation 57(3);~~
- ~~(b) A [significant Material] Cchange in the Marine Environment [compared to baseline data] is detected through monitoring or other data sources which would call for a new or [revised reviewed] Environmental Impact Statement [or Environmental Management and Monitoring Plan];~~
- ~~(c) An activity described in the Plan of Work is predicted to exceed the impact thresholds set out in the Standards on environmental thresholds,~~
- ~~(d) A n applicable relevant Standard, activity or predicted [significant] impact has not already been addressed by an Environmental Impact Statement, or~~

~~(e) Otherwise deemed necessary by the Commission or Council, in accordance with applicable Standards and taking into consideration account Guidelines, following its review of a Contractors’ activities contained in an annual report submitted pursuant to Regulation 38 or review of a Plan of Work pursuant to Regulation 58.~~

~~3. The Secretary General shall transmit the information received from the Contractor under paragraph 1 above to the Commission. The Commission shall assess the information and determine whether the Contractor shall:
(a) undertake an Environmental Impact Assessment and prepare a revised Environmental Impact Statement; or
(b) prepare a revised Environmental Management and Monitoring Plan.~~

~~4. Where required by the Commission, the Contractor shall submit a revised Environmental Impact Statement or revised Environmental Management and Monitoring Plan to the Commission for review.~~

~~5. Where the Commission determines that any change to the statement or plan constitutes a Material Change, the procedure set out in Regulation 11 shall apply.~~

~~6. In the course of conducting a new Environmental Impact Assessment and preparing a revised Environmental Impact Statement as required by any Material Change, a Contractor shall endeavour to engage with potentially directly affected Stakeholders, and in accordance with [Regulation 93 ter], the Standards, and taking into consideration the Guidelines.~~

~~7. The Contractor shall also conduct a consultation regarding the revised Environmental Impact Statement in accordance with Regulation 93 bis.~~

Click or tap here to enter text.

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

7. Click or tap here to enter text.

The Spanish delegation would like to make some comments on Article 48 bis. Firstly, we do not think that the title of the article itself is appropriate, since we do not believe that it is necessary to carry out a new environmental impact assessment when one of the circumstances referred to in paragraph 2 occurs. In any case, the existing EIA will have to be reviewed in the light of the new information provided and if there are significant changes. In this case, it might also be necessary to resubmit the relevant work plan for public consultation.

Secondly, much of the information provided in this regulation is already contained in regulation 57 on the modification of a work plan by the contractor, so it seems to be somewhat repetitive.

For this reason, we would be in favour of deleting this regulation 48 bis and incorporating the necessary parts into the aforementioned regulation 57.