

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31TH 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:

Germany

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

Annex III bis – Scoping Report

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.

(c) a description of what is known about the environmental setting, including ~~any human remains and [objects and sites of an archaeological or historical nature]~~ [Underwater Cultural Heritage sites], for the project (Contract Area and regional setting);

(d) a description of data gaps, potential data gaps or data with a large uncertainty associated with it for the project, ~~[including environmental baseline data, and a plan describing the methodology for collecting and analyzing that information prior to commencement of Exploitation activities and to inform the Environmental Impact Assessment];~~

(g) a ~~[brief]~~ description of the socioeconomic and sociocultural aspects of the project ~~[including sociocultural uses of the Mining Area (e.g., traditional navigation routes, migratory paths of culturally significant marine species, artisanal fishing techniques, and [venerated][sacred] sites and waters associated with ritual or ceremonial activities of Indigenous Peoples and local communities)];~~

~~[(g bis) a brief description of any human health impacts associated with the project.]~~

(i) a preliminary impact analysis which categorizes the important issues into high-risk, medium-risk and low-risk for the Environmental Impact Assessment to address and evaluates the need for further information, taking into account the Environmental Risk Assessment; ~~[which includes;~~

~~(i) the identification of potential hazards;~~

~~(ii) the environmental consequence for each identified potential impact(s) (the magnitude of the impact(s), the duration of the impacts, and the receptor characteristics), and the likelihood of the consequence occurring;~~

~~(iii) a description of the cumulative effects of the project, combined with other authorized, [anticipated, or expected] activities, and actions, or natural phenomena;~~

(iv) the confidence levels of experts, in order to account for uncertainty and a precautionary approach; and

(v) a description of the methodology employed in the Environmental Risk Assessment.

(l) a preliminary Stakeholder list of potentially directly affected that proactively identifies likely key of all of relevant Stakeholders, and States within the scope of regulation 93 bister and an indicative schedule and methodology for engagement with such key Stakeholder[s] and States during throughout the Environmental Impact Assessment process and development of the Environmental Impact Statement, taking into account to not to publish privacy concerns related to the publication of personal information of identified Stakeholders;

(n) a consideration of reasonable alternative means of carrying out the project that will be examined in detail as in the Environmental Impact Assessment proceeds, including a no-action alternative, and any others that have not been not carried forward for further analysis at this stage, and the reasons for that selection;

(n) bis an explanation for how the activities and studies planned for the Environmental Impact Assessment will be sufficient to determine likely environmental impacts, and sufficient to propose Mitigation and management strategies and monitoring methodology; and

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

In terms of the content of the Scoping Report, we suggest aligning this Annex III.bis with the BBNJ Agreement. Within the context of the BBNJ Agreement, we already have recently agreed detailed requirements for EIAs, including the scoping phase.

In this context, we support the Scoping Report setting out the key environmental impacts, including cumulative impacts in paragraph (i) and relevant alternatives to the suggested work in paragraph (n).

In paragraph (c) we prefer the reference to Underwater Cultural Heritage instead of the alternative text on human remains and objects of an archaeological or historical nature.

In paragraph (d), we support the proposed reference to environmental baseline data and the rest of the text in brackets.

In paragraphs (g) and (i), we support the proposed amendments.

We also support inclusion of paragraph g.bis, which focuses on the identification of potential human health impacts of the proposed mining project, in line with requirements under the BBNJ Agreement.

In paragraph (l) on the stakeholder engagement process, we suggest harmonising the stakeholder engagement process during the scoping phase with the BBNJ Agreement. Again, this will avoid any questions about the equivalency of the EIA conducted within this Part XI regime and the requirements under the BBNJ Agreement. As such, we believe the draft scoping report should be subject to a full stakeholder consultation round with all stakeholders, not only so-called “key” or “relevant” stakeholders.