

**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 IV - EIS
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.**

3.11. Methodology for Description of the Marine Environment and Assessment of Environmental Impacts and Environmental Effects

{Provide a description of Methodologies, for collecting and analyzing baseline and “Test Mining” data and assessing the potential Environmental Impact and Environmental Effects from the proposed operations and alternatives considered.}

Methodological approaches should be consistent with [established community standards Best Available Techniques]. In the case that novel sampling techniques, new technology, or sampling designs are employed, particularly detailed methodology and justification should be provided in this section.

4.2. Regional overview

Describe the general baseline environmental conditions [and expected trends and variability] of the site and Impact Area, in accordance with the Standards and taking into consideration Guidelines on baseline data collection, including but not limited to the physical, chemical and geological oceanographic setting within a broader regional context and taking into account the applicable Regional Environmental Management Plan. This should be a brief section that includes a map. A more detailed site-specific and Impact Area description will be provided in accordance with the sections below.

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Plan. This should be a brief section that includes a map. A more detailed site-specific and Impact Area description will be provided in accordance with the sections below.

7. Assessment of impacts on the physical, chemical and geological environment and proposed Mitigation

Provide a detailed description and evaluation of potential Environmental Impacts and Environmental Effects including Cumulative Environmental Effects of the operation which could degrade the current status and functioning of components of the physical chemical and geological environment identified in section 4 including the proposed environmental management measures to Mitigate impacts and a summary of residual effects, [and the extent to which any potential Environmental Impacts and Environmental Effects may occur in areas under a State's national jurisdiction]. This should consider the entire lifespan of the project, i.e. construction/development (pre-commissioning) of the mine site, operational and Decommissioning phases, and following Closure of the site. The potential for accidental events and natural hazards. The detail in this section is expected to be based on a prior Environmental ImpactRisk Assessment prepared, reviewed, and revised in accordance with regulation 47 and respective Standard and Guideline for Environmental Impact Assessment (chapter III Scoping, D). It should include for each component a description of:

(a) The [hazard: detailing the] source (action, temporal and spatial duration), [probability and frequency of the risk] and [the] nature [and severity] of the disturbance;

(a)bis -[Exposure characterization: evaluation and probability of exposure of the ecosystem components (see section 5) to the identified hazard, The] nature, duration and extent of any actual or potential impact, including cumulative effects and taking into account ecological and biologically significant areas;

(a) ter The methods used to determine impacts (including the assumptions and limitations of any impact modelling or other analysis undertaken);

(b) Risk evaluation and management: Document how decisions were taken to determine] Measures [that will be taken] to prevent, Mitigate and manage such impacts; and

(c) The unavoidable residual impacts that will remain, including their expected longevity.

(d) The extent to which any potential impacts and Environmental Effects may occur [beyond the Contract Area or] in areas under a State's national jurisdiction.

The detail in this section is expected to be based on the Environmental Risk Assessment carried out according to the relevant regulations, Standards and by taking into consideration Guidelines that will have identified the main impacts, and thus the elements that need to be emphasized in the Environmental Impact Assessment.

[10 bis Uncertainty Assessment]

Provide a detailed description and evaluation of any uncertainties in the assessments described in section 7, 8, and 9. This uncertainty assessment shall:

(1) Identify any relevant areas of uncertainty and gaps in knowledge and their implications for the Environmental Impact Assessment and its findings; and,

(2) Describe the measures taken in the Environmental Impact Assessment to reduce uncertainty in its findings to as low as reasonably practicable.

[10 bis Alt. Addressing Significant Uncertainty]

Where significant uncertainty exists despite the efforts described in 9 bis. 1(b), provide a detailed description of environmental monitoring and management measures for managing and reducing uncertainty during the proposed operations, to be incorporated into the Environmental Monitoring and Management Plan and describe how these will enable the applicant to ensure compliance with rules, regulations and procedures of the Authority.]

4. Please indicate the rationale for the proposal.

As previously noted, we see it as essential that the information in Annex IV is made binding requirements on all contractors. While significant portions of Annex IV are suggested to be deleted - and it was previously noted that the deleted text could be moved into Standards and Guidelines - we hold the strong view that if this text is removed from the regulations, it can only be covered in a Phase 1 Standard. The development and negotiation of this Annex since 2019 has been conducted by Parties with the understanding that it becomes an element of the binding regulations. It is clearly not suitable for a Guideline as that risks creating a list of EIS content from which Contractors can pick and choose.

We support the suggestion that Annex IV should be regarded not as a precise template but instead as a list of items that an EIA will need to cover and which will need to be reported on in the EIS.

However, we wonder whether it would nevertheless be helpful for applicants to have a brief template with high level headings, in order to enhance readability and comparability of EIS for the LTC.

As for the content of Annex IV, we had submitted detailed comments as written textual proposals in 2023. We will not repeat them all here but wish to highlight only a few high-level points.

1. We suggest that an EIS should also include information on the regional context of a mining operation, not least to ensure that each mining operation incorporates elements of the relevant REMP, including the regional environmental goals and objectives. This is covered in the deleted section 4.2 and we see merit in keeping this section.

2. We suggest that an EIS should specify the predicted impacts in all layers of the water column, including the mid-water column. This should be specified in section 7.
3. As others have mentioned before, it is also important for an EIS to consider the cumulative impacts of a mining project. We therefore support reference to cumulative effects in several sections of Annex IV, including section 7.
4. In line with the precautionary principle or approach, we see it as important for an EIS to specify any scientific uncertainties to ensure the Authority can make an informed decision about the sufficiency of information. We therefore support inclusion of both section 10.bis and section 10.bis.alt which are not mutually exclusive.
5. We also support an EIS predicting the impacts of a mining project on cultural heritage.

Furthermore, in alignment with the Joint Proposal by Germany, Belgium and China on Test and Pilot Mining, we support inclusion with references to “Test Mining” (now in suspense document) into Standards and Guidelines.

We also propose lifting the brackets in paragraph 3.11