

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31st SESSION:
COUNCIL - PART II**

*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:**
United Kingdom of Great Britain and Northern Ireland
- 2. Please indicate the relevant provision to which the textual proposal refers.**
Annex IIIbis – 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.**

Annex III bis Scoping Report

UK text proposals indicated in bold.

An ~~[environmental Impact Assessment]~~ Scoping Report shall include the following:

- (a) a brief description of the proposed Exploitation activities; ~~[and any ancillary features]~~
- (b) a description and overview of tentative timelines and deadlines for the proposed environmental baseline studies and Environmental Impact Assessment **conducted under the Exploration ~~c~~Contract** and any associated activities;
- (c) a description of ~~what is known about~~ the environmental ~~setting~~, including **a summary of existing environmental baseline studies, any human remains and [objects and sites of an archaeological or historical nature]** [Underwater Cultural Heritage ~~sites~~], **a description of any socioeconomic and sociocultural aspects for the project area (Contract Area and regional setting), and, where available, relevant traditional knowledge of indigenous peoples and local communities;**
- (d) a description of data gaps; ~~and~~ 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];**
- (e) **a summary of existing environmental baseline studies, and, where available, relevant traditional knowledge of indigenous peoples and local communities;**
- (f) a description of the technical, spatial and temporal **boundaries parameters** for the Environmental Impact Assessment, **including the identification of Impact Reference Zones and Preservation Reference Zones;**
- (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.]~~

- (h) **a description of** any assumptions, ~~and on~~ how they are being addressed, and **an** assessment of their implications ~~to the Environmental Risk Assessment findings;~~
- (i) a preliminary impact analysis ~~which categorizes the important issues into high-risk, medium-risk and low-risk for of all potential Environmental Impacts, in terms of their potential risk, to inform~~ 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~~ **Environmental Impacts;**
 - (ii) ~~the potential E~~**environmental consequence Effects of for each identified potential Environmental impact(s), (the magnitude of the impact(s), the duration of the impacts, and the receptor characteristics); and the likelihood of each the consequence Environmental Effect 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 in the assessment levels of experts, in order to account for uncertainty and a precautionary approach; and~~
 - (v) ~~a description of the methodology used to assess risk in the above analysis employed in the Environmental Risk Assessment.]~~
- ~~(j) aA preliminary Environmental Risk Assessment;;~~
- ~~(k) aA description of the results of the Environmental Risk Assessment, including identification of high-priority risks for local and regional ecosystem functioning over short and long term, requiring particular focus in the subsequent impact assessment phase of the Environmental Impact Assessment;~~
- (l) ~~aA [preliminary Stakeholder] list [[of potentially directly affected][that proactively identifies likely] [[key]] [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;]~~
- (m) ~~aA~~ report of ~~[any written]~~ consultations undertaken during scoping.:-
- (n) ~~aA~~ 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 eEnvironmental impacts, and sufficient to propose Mitigation and management strategies and monitoring methodology; and~~
- (o) ~~aA draft T~~Terms of ~~R~~reference for the Environmental Impact Assessment, which identifies the activities and studies planned for the ~~[subsequent impact assessment stage of the] Environmental Impact Assessment[, and any additional baseline data that will be required];~~
- (p) ~~An explanation for how the activities and studies planned for the Environmental Impact Assessment will be sufficient to determine likely environmental impacts, and to propose Mitigation and management strategies and monitoring methodology; and;~~

- (q) ~~(q) A note describing and explaining any divergence from [relevant applicable Standards or [ISA] Guidelines [of the Authority].~~

4. Please indicate the rationale for the proposal.

(b) We do not think that the intention of this sub-paragraph is clear. Our proposal is to delete the phrase ‘conducted under the Exploration Contract’, as this is too limiting. We think that there could be scenarios where a Scoping Report is required once an Exploitation contract has already been granted.

(c) Our preference for this paragraph would be for it to be considerably streamlined, and not include a list of elements that together would describe the environment. We think this risks inadvertently excluding elements, and such a list should be set out in more detail in the Standard. As such, our preference would be for: ‘(c) a description of the existing environment.’ However, if Council prefers for detail to be retained here, we think that a number of sub-paragraphs could be merged, bringing together (c), (e) and (g), as together they seek to describe the pre-existing environmental context. We also have a preference for the use of Underwater Cultural Heritage as a defined term. By summarising (c), (e), and (g) in our proposal above, (e) and (g) could then be deleted.

(d) We propose the deletion of ‘or data with a large uncertainty associated with it’, as this describes a data gap, which is already included in the retained language. We propose the deletion of the language currently in brackets as it is derivative of (b)-(c) and is thus unnecessary.

(e) We propose deletion of (e) as we have proposed for it to be integrated into (c).

(f) We propose that ‘parameters’ may be a more appropriate term to use than ‘boundaries’. We also propose that there should be a reference to IRZs and PRZs here, so have proposed adding the language to that effect at the end.

(g) We propose deletion of (g) as we have proposed for it to be integrated into (c).

(g bis) As this sub-paragraph sets out particular impacts, we think that it is not appropriate to include this here. We would expect that all impacts, including those relating to human health would be identified as part of the actions set out in sub-paragraph (i), and we have suggested wording to that effect in (i). We note that it does need to be made explicit what impacts are covered by Scoping, in an EIA, and thus in an EMMP – in our view, environmental, social, economic, cultural and human health impacts must be considered, among others. We are open to views on how to address this in the regulations, and one option may be to include these receptors in the Schedule definition for Environmental Impact, in this Annex or in the Scoping regulation.

(h) There is a lack of clarity as to what the word ‘they’ refers to in this sentence. Our proposal is to improve clarity, and to delete reference to Environmental Risk Assessment.

(i) We think that the phrase ‘the important’ should be replaced with ‘all potential impacts’ in this sub-paragraph, as a formal and transparent analysis must be undertaken before deeming any impact to be unimportant. Second, it is not clear to us what the difference is between an “impact analysis” that analyses risk and an Environmental Risk Assessment, despite reading this Annex alongside the Guidelines. This is one reason why we are unsure of the value of the

term ‘Environmental Risk Assessment’ at all, either in this Annex, or in the wider EIA regulations and Standards and Guidelines. We do very much support the role of risk assessment within Scoping, but think that the use of the terms EIA and ERA – and the seemingly interchangeable use of the terms ‘impact’ and ‘risk’ – adds confusion to the process. For clarity, the simplest solution in our view, is to refer to a ‘risk assessment’ where it is relevant, and not introduce the term ERA at all. We would be keen to hear views from other delegations who might want to explain why both terms are required, and how they see the interaction between an ERA and an EIA. As such, in this sub-paragraph, we think that it could be rephrased as we have suggested, but we would also be open to other formulations such as referring to ‘a preliminary analysis of risk’ or ‘a risk assessment’ (not capitalised). The reference to ERA should then be deleted from the end of the sub-paragraph. We also think that the actions nested under (i) are too technical for an annex and our preference is for them to be set out in the Standard, but if retained, we have also provided comments on them.

(i)(i) We suggest that the word ‘hazard’ is analogous to ‘potential impact’: a hazard is the risk or potential for something to happen. As such, we would prefer to refer to ‘impact’ here, for consistency in use of terminology, and to align with the language in (i)(ii).

(i)(ii) We propose that the detail in brackets should be moved to the Standard. We also propose that the environmental consequence of an impact is described by the defined term ‘Environmental Effect’.

(i)(iv) We suggest replacing ‘confidence levels of experts’ with ‘confidence in the assessment’.

(i)(v) We propose the deletion of the term ‘Environmental Risk Assessment’ from the regulations, for clarity of overall approach, as set out above.

(j) The risk assessment elements of Scoping have already been set out in our newly-proposed (i), and as such sub-paragraph (j) can be deleted.

(k) The risk assessment elements of Scoping have already been set out in our newly-proposed (i), and as such sub-paragraph (k) can be deleted.

(l) We are of the view that work is needed across the regulations on Stakeholder consultation to ensure best practice and transparency. This paragraph will need to be consistent with the approach taken across the regulations.

(m) We propose that the words “any written” to be too limiting as it would exclude any other form of consultation undertaken. We suggest to delete: ‘any written’. We are of the view that work is required in relation to references to consultation across the regulations and annexes to ensure a consistent approach, in particular with details in DR93ter.