

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

1. Name(s) of Delegation(s) making the proposal:

Republic of Nauru

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

Regulation 48

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.

1 The purpose of an Environmental Monitoring and Management Plan is to manage and confirm that Environmental ~~impacts~~ Effects meet the environmental ~~quality~~ objectives and environmental performance Standards for the mining operation.

~~1bis~~ The A plan will shall:

(a) include appropriate environmental objectives and environmental performance Standards;

(b) incorporate measurement criteria to determine whether the environmental objectives are being met and that the operation is compliant with the environmental performance Standards;

(c) reflect ~~contain~~ any conditions recommended by the Commission, and approved by the Council, in its consideration of ~~included in~~ the Environmental Impact Statement; and will

(d) set out commitments and procedures on:

(i) how the environmental impacts of the mining operation will be monitored;

(ii) how the mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented;

(iii) how the effectiveness of such measures will be monitored; ~~what~~

(iv) the management actions and responses ~~will be~~ to the monitoring results; and

(v) what management and reporting systems will be adopted and followed; ~~and~~

(vi) promoting continual improvement.

3shall include the ~~main aspects~~ matters prescribed by...

3(b) In accordance with the ~~relevant~~ applicable regional environmental management plan;

3(c) Prepared in accordance with ~~the applicable Guidelines,~~ Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, taking account of the applicable Guidelines; and

[\(d\) C](#)onsistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.

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

- 1 The EMMP is a key operational document. It is recommended that paragraph 1 is split into 2 separate paragraphs for presentation purposes and ease of understanding. Given an outcome or results-based approach is being adopted by the ISA, additional language is proposed at 1bis(a) and (b).

As to 1bis(c), “conditions” requires further consideration. It is assumed that the original wording proposed in the facilitator’s text (“The plan will contain any conditions included in the Environmental Impact Statement...”) contemplates something different to the environmental performance (operational) standards (i.e., thresholds, trigger points, indicators) to be set by or agreed by the ISA as part of an outcome or results-based approach. National regulators may set other conditions for example specific monitoring or reporting or auditing requirements which may be project or proponent specific.

The draft regulations will need to provide clarity on the nature of these conditions (e.g., a non-exhaustive but indicative list) and a process for their inclusion in an EMMP i.e., to be proposed by the Commission after consultation with an applicant / Contractor and recommended to the Council as part of any recommendation for the approval of a plan of work. Regulation 14 contemplates amendments to a proposed plan of work but not conditions per se. Regulations 51, 52(5) and 52(8) contemplate conditions attaching to an EMMP but there is currently no process for their consideration within the body of the regulations, nor indication as to the types of conditions that may be imposed or agreed, nor how such conditions may be reviewed or renewed.

- 2 To avoid ambiguity.
- 3 Consistency in drafted text.
- 4 Guidelines are recommendatory in nature.
- 5 For better presentation.