

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Informal Working Group – Environment.

**2. Name(s) of Delegation(s) making the proposal:**

Submitted by Nauru Ocean Resources Inc. and Tonga Offshore Mining Ltd.

**3. Please indicate the relevant provision to which the textual proposal refers.**

Draft Reg. 46ter(3)

**4. 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. The Environmental Management and Monitoring Plan shall contain a monitoring programme for at least the first seven years of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards.~~

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

- Contractors have the obligation to perform their monitoring programs in accordance with their approved Environmental Management and Monitoring Programs (EMMPs).
- The Inspectorate also has the ability to inspect and access the Contractor’s data and can request an audit if required.
- We consider it is excessive, burdensome and unnecessary to outsource this obligation to independent experts for the first seven years of exploitation. It is also duplicative of the Inspectorate’s role.
- The availability of independent experts qualified to work under an EMMP is incredibly limited. We consider it would be virtually impossible to obtain qualified experts for the length of time specified.
- Draft Reg. 46ter(3) should therefore be deleted, as it is unnecessary, arbitrary and practically impossible to satisfy.