

**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. 48(3)bis

**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.**

~~3bis. In addition to the Monitoring required to be performed by the Contractor, the Environmental Management Plan shall contain a supplementary monitoring programme for at least the first seven years of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards. The Contractor shall conduct monitoring for the entire duration of exploitation and comply with any post-closure monitoring requirements.~~

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

- Contractors have an obligation to perform their monitoring programs in accordance with their approved Environmental Management and Monitoring Plans (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 and burdensome to require an independent expert to facilitate supplementary monitoring 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 believe it would be practically impossible to obtain qualified experts for the required period of time.
- Draft Reg. 48(3)bis is therefore arbitrary, unnecessary and extremely difficult to execute.