

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART III**

*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:**

IWG - Environment

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

Republic of Nauru

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

Regulation 46bis(4)(d)

**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.**

~~(d) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority;~~

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

There are multiple instances throughout Part IV, Part VI and the related Annexes whereby various components of a plan of work are to be reviewed and assessed by independent experts prior to assessment by the Commission.

To maintain independence and for the components of the plan of work to be independently assessed, we support the Commission’s clear mandate in the Convention to undertake this review exercise and obtain additional expertise where required, as it is empowered to do so. Indeed, the essence of this is captured by new text at regulation 54(4) which states in connection with the review of a performance assessment: “If the Commission does not possess sufficient expertise amongst its members, it shall consult independent experts to review the performance assessment”. We consider this a correct and practical approach.

Independent assessment, audit, verification etc will play an important role in the delivery of a robust regulatory process. However, this must be considered within the context of the Authority’s institutional functioning set out in the Convention, not least the role of the Legal and Technical Commission, and in establishing parameters for the word “independent” where such assessment is needed.

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Regulation 46bis(8)(d) & 46bis(9)(c)

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8(d) Record and address, in the scoping report and Environmental Impact Statement respectively, ~~any~~ substantive and relevant Stakeholder comments received.

9(c) Identify substantive and relevant comments received through public consultation on the environmental impact assessment and how they have been addressed;

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

We support requirements that contractors must demonstrate how they have consulted with and considered comments received from stakeholders in the stakeholder consultation procedure.

However, we consider that the new text in paragraph 8(d) is problematic and places the burden on the applicant contractor to address any stakeholder comments received. We note that not all comments received from stakeholders will be relevant or necessary to address.

We support the addition of the term “substantive” in paragraph 9(d) and propose that the term “any” is replaced with “substantive and relevant” in paragraph 8(d) and that “relevant” is added to the criteria in paragraph 9(c). Further parameters can also be set out in any standard or guideline prepared for stakeholder consultation.