

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

Informal Working Group – 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. 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. A Contractor shall, pursuant to its Environmental Management and Monitoring Plan required under Regulation 48 and in accordance with the Standard on environmental monitoring programmes and other applicable Standards, and taking account of the ~~applicable relevant~~ ~~Guidelines~~ observe, ~~measure~~ ~~measure~~, evaluate and analyse, in accordance with Best Available Scientific information, Best Environmental Practices, and Best Available Techniques, the ~~impact of its activities against the~~ environmental thresholds contained in the ~~plan and the applicable~~ Standards, and ~~the risks to~~ or Environmental Effects on the Marine Environment arising from Exploitation. ~~Surveillance-Monitoring~~ shall be conducted ~~continuously~~ during all stages of the mining operation, to determine whether it is having or likely to have harmful effects on the Marine Environment until satisfactory completion of a Closure Plan.

2. The Contractor shall establish and implement an environmental management and monitoring programme in accordance with the approved Environmental Management and Monitoring Plan] and in accordance with the Standard on ~~environmental~~ Monitoring Programmes and, ~~pursuant to paragraph (e) of regulation 3~~ cooperate with, the ~~Authority-Commission~~ and the Sponsoring State or States as well as share findings and results of such programmes with the Authority for ~~[wider dissemination~~ public access].

~~3. In addition to the Monitoring conducted by the Contractor pursuant to Paragraph 2tThe Environmental Management and Monitoring Plan shall cover all stages of the mining life cycle, and on submission for approval contain a monitoring programme for at least the first [five] [seven] years of [the mining project, commercial production] to be conducted by independent experts and in compliance with the applicable Standards and taking account of the relevant guidelines.~~

4.environmental data and information in the required standardized format, in real time, ~~where~~ ~~practicable~~ or at ~~[monthly intervals]~~ ~~[at least~~ annually], ~~[if possible]~~ ~~[consistent with best scientific practices]~~.

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

General comment: we note there remains a degree of repetition and overlap between this regulation and regulations 46ter and 51. We need to ensure that these regulatory provisions are harmonized and aligned so that the regulatory requirements are clear.

Para 1: we recommend that “measures” be re-instated. See articles 204(1) and 165(2)(h) of the Convention. We suggest the language “impact of its activities against the” is added before environmental thresholds; data and information from monitoring will be assessed against the thresholds values.

Para 3: this paragraph no longer makes sense following the removal of the independent expert requirement. The requirement to manage and monitor is continuous throughout the term of the contract and not a specific time frame. The paragraph can be deleted.

Para 4: we suggest that data as a legal minimum be submitted at least annually. It can be left to the discretion of the Secretariat and contractors to submit data more frequently. As to real time, the EMMP will set out the data that can be made available in real time – see paragraph 2(p), Annex VIII. We seek clarity on the phrase “best scientific practices” and whether this will be a defined term.

We consider paragraph 4 should be retained in this regulation as a clear reporting obligation and not be moved to a standard or guideline. The latter will take care of the detailed content etc. of the reporting obligation.