

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<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:**

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 47Alt

**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.**

2. The purpose of an environmental impact assessment ~~under this regulation~~ shall be to identify, predict and evaluate the potential environmental ~~impacts effects and risks anticipated from~~ of the proposed activities on the marine environment, and identify necessary measures to mitigate or manage such effects and risks, to enable the Authority to assess the potential adverse Environmental Effects and risks, with the aim to:

2(d) ...that the Sponsoring State or States and the Contractor...

2(e) Ensure that the proposed activities are carried out in accordance with the Rules of the Authority, general International Law, including the Convention and the applicable Standards and taking into account the relevant applicable Guidelines.

3 (a) Be based on relevant environmental baseline data that captures temporal, (seasonal and interannual) and spatial variation in accordance with relevant applicable Standards and taking into account relevant the applicable Guidelines and the objectives and measures of the applicable relevant Regional Environmental Management Plan,

3(a) bis Be based on a scoping report,

3(b) Be carried out by qualified persons or, independent experts,

3(b)bis Be based on the best available science and scientific information, and, where available, relevant traditional knowledge of Indigenous Peoples and local communities.

3(c) Include an environmental risk assessment and a survey of the seabed to identify Underwater Cultural Heritage, that takes into consideration the region as a whole taking into account the objectives and measures of the relevant and applicable Regional Environmental Management Plan,

3(c) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority,

3(h) Identify scientific and other knowledge gaps or data uncertainties and assess the degree to which these influence the assessment.

(i) be an iterative process where specific stages of the activities are revisited and may be updated in the light of new information or new activity at a later stage

4(b)(i) ...and predict the nature and extent of the Environmental Effects and risks of the Exploitation including residual impacts, ~~also considering~~ cumulative impacts, ~~including existing and foreseen mining operations, other activities~~ and natural phenomena.

4(b)(ii) An evaluation of significant and harmful effects on the marine environment and ecosystem services, ~~founded based~~ on clear and transparent assessment criteria and a robust evidence base, using best available ~~science and~~ scientific information;

4(b)(iii) The presentation and evaluation of potential mitigation measures, and subsequent statement of management and monitoring commitments (~~together with~~ to inform preparation of the Environmental Management and Monitoring Plan), to mitigate, avoid and minimize harmful effects to the Marine Environment, and monitor residual impacts;

4(c) ...the applicable Standards and taking into account the ~~relevant applicable~~ Guidelines,

d) The publication and review by the Commission of the Environmental Impact Statement, and publication of the Commission's report and recommendations ~~by the Commission~~ to the Council pursuant to Regulations 11 – 15

~~4(e) — A decision by the Council to approve, or not approve, the proposed activities or proposed modification to the Plan of Work that was the subject of the Environmental Impact Assessment, including any conditions imposed upon an approval, which decision shall be recorded and published in accordance with Regulation 16, and~~

(f) A proactive consultation by an applicant or Contractor with Stakeholders at all stages, in accordance with ~~relevant the applicable~~ Standards and taking into account ~~the of applicable~~ Guidelines, which includes:

(i) Providing Stakeholders with access to up-to-date and comprehensive environmental data and information ~~about relating to~~ the proposed activities and ~~environmental data and their~~ impacts,

~~(iii) Provide a reasonable opportunity for Stakeholders to raise enquiries and to make known their views;~~

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

- We support the facilitator's proposal that discussion continue based on this regulation 47Alt rather than regulation 47.
- We further support (per the facilitators' comments) moving regulation 47(3)(b)(i-vi) and (i)(i-v) to the guideline.
- We note the recommendation in the matrix to move regulation 47bis(2) (equivalent regulation 47Alt(2)) to the standard. While not wishing to prejudice further intersessional work on streamlining the regulatory text in this Section 2, we feel that presenting the purpose of the EIA in the main regulatory text helpful.

Para 2(e): the reference to general international law is too vague and unnecessary. The reference to the Convention is sufficient.

Para 3(a): we are not sure what "relevant" means in this context. It is sufficient that standards and guidelines are referenced here.

Para 3(a)bis: the EIA should be based on the scoping report.

Para 3(b): the EIA will likely be carried out by a combination of in-house personnel and external experts.

Para 3(b)bis: to be consistent in use of terminology.

Para 3(c): an ERA can deal with any risks to any tangible UCH, if identified. A separate survey seems unnecessary.

Para 3(e): this is a matter for consideration by the Commission. If required, the Commission are empowered to engage experts to make any assessment.

Para 4(b)(i): this paragraph should also reference risks. The specifics relating to cumulative impacts can be dealt with in the applicable standard or guideline.

Para 4(b)(ii): “based on” is preferable. Correcting term to best available scientific information.

Para 4(b)(iii): the EIA will inform preparation of the EMMP commitments.

Para 4(e): this paragraph is not relevant to the EIA process, and covers the approval of a plan of work. We suggest its deletion here.

Para 4(f)(iii): this sub-paragraph is covered by sub-paragraph (ii).