

**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 47ter (bis) alt

**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. ~~The An~~ applicant or Contractor shall prepare and submit to the Secretary-General a scoping report in accordance with this regulation, the applicable Standard and taking into account the applicable Guideline and in the format prescribed in Annex IV.

2. An applicant or Contractor shall use environmental impact assessment scoping to identify and prioritize the main activities and potential impacts associated with the proposed ~~mining operation~~activities...

3(c) ~~Proactively~~ identify Stakeholders in accordance with ~~relevant~~the applicable Standards and taking into account any ~~relevant~~applicable Guidelines,

4(a) A brief description of the proposed ~~Exploitation~~ activities ~~and any ancillary features~~

4(a)bis A preliminary environmental risk assessment.

4(d) A description of data gaps, potential data gaps or data with a ~~large~~high degree of uncertainty associated with it for the project,

4(i) ...~~taking into account~~based on the environmental risk assessment

4(j) A preliminary environmental risk assessment.

4(l) A preliminary Stakeholder list that ~~proactively~~ identifies likely key Stakeholders,... with key-such Stakeholders throughout the Environmental Impact Assessment process

(q) A note describing and explaining any divergence from ~~relevant ISA~~applicable Standards or applicable Guidelines.

5(b) Following the close of the comment period under paragraph ~~(+)~~(a) above, provide any comments received to the applicant or Contractor ~~[within 2 weeks]~~4 days ~~[Russia]~~ for ~~their~~its response within ~~{60 Days}~~;

6. The Commission shall consider a scoping report submitted in accordance with this regulation, and any comments and responses received, in accordance with ~~any the relevant~~applicable Standards and taking into account the applicable Guidelines. Based on this review, the Commission ~~shall~~may, within

~~60 days of its receipt of the scoping report approve a scoping report, disapprove it or~~ make recommendations to the applicant or Contractor regarding the proposed scope of the environmental impact assessment, accompanied by a detailed rationale for such recommendations.

7. ... may include recommendations:...

~~(c) ——— To re-submit a revised scoping report for further Stakeholder consultation and Commission review, in the case where uptake of any of the Commission's recommendations are likely to lead to a Material Change in the Scoping Report.~~

8. The applicant or Contractor shall, before proceeding with an environmental impact assessment process:

(i) take full account of the Commission's recommendations under this regulation or any recommendations or scoping reports concluded prior to the adoption of these Regulations and in accordance with an Exploration contract; and

(i)bis submit a revised scoping report, including any amended terms of reference.

~~(iii) agree the final contents of the proposed terms of reference in the Scoping Report with the Commission.~~

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

We support continued discussion on this Regulation 47ter (bis) alt.

Para 1: we highlight that Annex IV (bis) has now been deleted and its content moved to this regulation. Given the proposal (which we support) to move the content of paragraphs 3 and 4 to standards and guidelines respectively, this paragraph 1 should reference standards and guidelines in addition to the regulations.

Para 4(a): "and any ancillary features" is vague. Suggest delete.

Para 4(d): improvement in language.

Para 4(i): the impact analysis should be based on the ERA, not simply take it into account.

Paras 6-8: we find the drafting of paragraph 6 in conjunction with paragraphs 7 and 8 confusing. Paragraph 6 requires the Commission to approve, disapprove or make recommendations. Paragraph 7 sets out example recommendations, and paragraph 8 only requires the applicant to take account (albeit full account) of the recommendations, yet requires agreement on the final terms of reference.

We suggest that the Commission limit itself to providing recommendations which an applicant must take into account when preparing a revised scoping report and terms of reference. The EIA is a dynamic process.

Para 6: adding a timeframe to paragraph 6 for the Commission to make any recommendations regarding a report will be helpful. A timeframe was reflected in regulation 47ter(6) but was not carried through to this regulation 47ter (bis) alt.

Para 7(c): we do not see the value of further consultation in respect of a scoping report. The EIA process, while based on a scoping document, is dynamic and the opportunity for further engagement provided for.

Para 8(i) & (iii): it is important to recognise that existing Contractors have already engaged in scoping work under their Exploration Contracts. That work should be taken into account for the purposes of this regulation.

