

**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 48 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. An applicant or Contractor shall prepare an Environmental Impact Statement in accordance with this regulation ~~and Annex IV, the applicable Standards and taking into account the applicable Guidelines.~~ Such ~~an~~ Environmental Impact Statement shall be considered by the Authority in accordance with Part II or Regulation 57 and is required for an application for a plan of work pursuant to Regulation 7(3)(d).

2. ... and shall provide the ~~International Seabed~~ Authority its member States and other Stakeholders with ~~unambiguous~~ documentation

3(b). ...and ~~in accordance with the requirements of taking into account~~ the relevant Regional Environmental Management Plan...

3(c) Identify substantive ~~and relevant~~ comments received... and explain how ~~each such~~ comments ~~have~~ been...

~~3(e) Be peer reviewed by competent independent experts, before submission.~~

4(m) ~~An overview of the downstream supply chain A description of responsible product stewardship~~ related to the intended use of the mineral-bearing ore once it leaves the ~~Contract~~ Area, ~~including how the Contractor will minimize effects on health, safety, environmental as well as socioeconomic and sociocultural impacts,~~

5. The Environmental Impact Statement of every project, including any revisions, ~~should~~ ~~shall~~ be ~~made~~ available on the ~~official Authority's~~ website ~~of the International Seabed Authority in the interests of transparency of the whole process in accordance with regulation 92.~~

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

We support continued discussion on this Regulation 48 alt.

Para 1: As this will remain a regulatory paragraph, we suggest that annex IV, standards and guidelines are appropriately referenced.

Para 3(b): As a policy instrument, REMPs should be “taken into account”.

Para 3(c): To be consistent with other regulatory provisions relating to stakeholder comments.

Para 3(e): We see no value in such a peer review. The EIA/EIS will likely be conducted / prepared using a mix of qualified in-house personnel and independent recognised experts from academic institutions. The EIA process will also be subject to public consultation and scrutiny. Equally, it is the role of the Commission to review an EIS and to the extent the Commission does not have the expertise for any particular component of the EIS, independent experts can be engaged by the Commission through the Secretariat. We suggest this sub-paragraph is deleted.

Para 4: we support moving this paragraph (and/or regulation 48(4)) to annex IV – subject to further intersessional discussion on this issue.

Para 4(m): we find this subparagraph as phrased legally problematic as it suggests contractors have continuing obligations once the ore has left the Area. We suggest an overview of the intended supply chain be provided to provide transparency to such chain. It will be the responsibility of the contractor through any policy on responsible supply chain management to engage with downstream operators. However, it is not within the jurisdiction of the Authority to mandate requirements.

Para 5: the publication of the EIS should be mandatory. The fact it will be made publicly available is a commitment to transparency.