

**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 48 bis / 48bis 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.

~~**New Environmental Impact Assessment and Revised additional Environmental Impact Statement Revision for change or new or increased effect or risk**~~

~~1. If a Contractor becomes aware that any of the circumstances listed in paragraph 2 below have not been addressed by either an environmental impact assessment or an environmental management and monitoring plan, it shall promptly notify the Secretary-General in writing including:~~

~~(a) a detailed description of the circumstance;~~

~~(b) details of the potential effect on or risk to the marine environment; and~~

~~(c) details of any environmental impact assessment conducted or to be conducted, or proposed modification to the environmental management and monitoring plan.~~

~~A Contractor shall conduct a new Environmental Impact Assessment in accordance with regulation 47ter and submit an additional revised Environmental Impact Statement when:~~

~~2. The circumstances contemplated by paragraph 1are:~~

~~(a) A ~~Material C~~change to an existing Plan of Work is proposed which is likely to significantly increase the adverse Environmental Effects or risks caused by the activities, and is not covered by paragraph 3 of regulation 57;~~

~~(b) A ~~Material C~~significant change in the Marine Environment compared to baseline data is detected through monitoring or other data sources which would call for a new or reviewed Environmental Impact Statement;~~

~~(c) An activity described in the Plan of Work is predicted to exceed the impact thresholds set out in the Standards on environmental thresholds; or~~

~~(d) A ~~The content~~requirements of an applicable relevant Standard, activity or predicted impact has not already been addressed by an Environmental Impact Statement or environmental management and monitoring plan;~~ ~~or~~

(e) Otherwise deemed necessary by the Commission ~~or Council~~, ~~in accordance with applicable Standards and taking into account Guidelines~~ following its review of a Contractor's activities contained in an annual report submitted pursuant to regulation 38 or review of a plan of work pursuant to regulation 58.

(3) The Secretary-General shall transmit the information received from the Contractor under paragraph 1 above to the Commission. The Commission shall assess the information and determine whether the Contractor shall:

(a) undertake an environmental impact assessment and prepare a revised environmental impact statement; or

(b) prepare a revised environmental management and monitoring plan.

(4) Where required by the Commission, the Contractor shall submit a revised environmental impact statement or revised environmental management and monitoring plan to the Commission for review.

(5) Where the Commission determines that any change to the statement or plan constitutes a material change, the procedure set out in regulation 11 shall apply.

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

We question whether this regulation is properly structured, not least its interface with regulation 57(3) relating to the modification of a plan of work. Additionally, we consider there is a role for the Commission in determining whether an EIA/EIS is required or whether a modification to the environmental management and monitoring plan is sufficient, consistent with proposed regulation 57(3)alt 1.

Consequently, we propose the above modifications to this regulation, covering both the EIA/EIS and EMMP. We consider this reflects a better governance process, placing the onus on the contractor to notify of any changes and the Commission determining the need for a revised EIA/EIS or EMMP.

We note the need, following the production of a consolidated text to harmonise the language and interface between this regulation 48bis alt and regulation 58.