

**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 59

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.

1bis (a) The marine environment is effectively protected ~~and will have a clear and healthy status~~ following the end of mining activities,

~~1bis(b) The adverse effects arising from closure activities are avoided, or mitigated,~~

1bis (c) Any ~~remaining residual~~ environmental effects continue to be monitored and reported for ~~the a~~ period prescribed in the closure plan,

1bis (d) The mined site is returned to its natural state, or returned to its natural state to the extent possible, through rehabilitation or restoration, ~~where technically and economically feasible,~~

2(b bis) Undertake ~~early timely~~ discussions ~~between with~~ the ~~Authority and contractors~~ Commission so that ~~regulators the Authority understand is duly informed of~~ the likely timing of...

2(b bis)(i) ~~mining cessation~~ the cessation of activities

2(c) ~~Identify, quantify, assess and detail the management measures for the~~ Identify, quantify, assess and detail the management measures for the ~~Final~~ environmental condition of the area, including the state of remaining reserves... and the risks relating to ~~remaining residual~~ Environmental Effects are identified, quantified, assessed and managed in accordance with Best Available Scientific Information, Best Available ~~Technologies Best Available Technologies~~ Techniques and Best Environmental Practices...

(e) Report to the Authority on the identification, monitoring, and quantification of ~~remaining significant residual~~ Environmental Effects ~~to the Authority~~, including data to inform about recovery or lack thereof, over ~~a the~~ period established in the closure plan, and that necessary management responses are implemented in a timely manner, including plans for further surveys, data collection, Mitigation, or remediation where appropriate.

f) Make and fulfil required disposal, restoration and rehabilitation commitments in accordance with the ~~relevant applicable~~ Standards and taking into account the ~~relevant applicable~~ Guidelines

(f bis) Remove completely any Installations and equipment, or parts therefrom, from the Mining Area, ~~as well as any kind of abandoned waste.~~ ...

2bis. The Contractor shall ensure transparency during the Closure process and consult-engage Stakeholders in the Closure Plan design, review, and implementation.

~~3. The Closure Plan shall cover the aspects prescribed by the Authority in annex VIII to these regulations and in accordance with the relevant Standards and taking into account the relevant guidelines.~~

4. A contractor shall maintain and update its Closure Plan in accordance with these regulations, ~~and~~ Good Industry Practice, Best Environmental Practices, Best Available Techniques, Best Available Scientific Information and the applicable Standards and taking into account ~~of~~ the relevant applicable Guidelines.

5. Alt. In the five years preceding the planned end of the period of Exploitation, or any other period as deemed necessary by the Contractor ~~and the Sponsoring State~~, the Closure Plan shall be reviewed annually and, if necessary, be updated and be finalized in accordance with regulation 60(1). ~~The review and update of the Closure Plan shall take into account the results obtained from monitoring post-closure activities and each time there is a Material Change in a Plan of Work. In cases where no such Material Change has occurred and no monitoring data and information or improved knowledge or technology has signalled need for updates, every five years and at the end of the project and be finalized in accordance with regulation 60 (1).~~ Details on the procedures of review of the Closure Plan, including conditions requiring updates thereof, shall be further elaborated in the applicable Standards and take into account the applicable Guidelines.

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

Para 1bis(a): the terms “clear and healthy status” for the marine environment is an ambiguous concept and has no clear meaning, and inappropriate for inclusion in the regulations.

Para 1bis(b): it is not self-evident what adverse effects would arise from closure activities.

Para 1bis(c): we consider “residual” a preferred term used in the EIA/EIS context.

Para 1bis(d): we suggest an appropriate qualifier here.

Para 2(b bis): improvement to text.

Para 2(c): we suggest the deleted words “Identify, quantify, assess and detail the management measure for the” are re-instated otherwise sub-paragraph (c) does not work grammatically in this context.

Para 2(f bis): it is not clear what “any kind of abandoned waste” means. The paragraph is also confusing as it requires removal of installations and equipment in the 1st half, and then as the preferred decommissioning solution in the second half. Need further clarification what is intended here.

Para 2bis: we consider “engage’ is preferable in this context.

Para 3: this paragraph is unnecessary as its content is captured by paragraph 1.

Para 5 Alt: we prefer this paragraph to the original text of paragraph 5. However, given there will be no post-closure monitoring taking place five years prior to the end of exploitation, we propose the deletion of the reference to the results obtained from monitoring post-closure activities given that. We also propose to remove the second to last sentence as it does not seem to work grammatically here.