

**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:**

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

**3. Please indicate the relevant provision to which the textual proposal refers.**

Draft Reg. 46(1)

**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. A Contractor shall develop, implement and maintain an Environmental Management System, ~~{with the purpose of preserving and protecting the Marine Environment from the impacts of the activities in the Area}~~ in compliance with the ~~{Convention, the Agreement, and the Rules of the Authority.}~~ applicable Standards and taking account of the ~~relevant~~ applicable Guidelines and in accordance with ~~{Best Available Science and Scientific Information}~~ Best Environmental Practices, and Good Industry Practice and internationally recognized standards.

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

- Our proposed edits are intended to remove extraneous language – an Environmental Management System is a defined concept in these Draft Regulations. Its purpose does not need to be reiterated in Draft Regulation 46(1).
- Additionally, we propose removing the reference to the Convention, Agreement and Rules of the Authority so that this paragraph focuses on the applicable Standards, Guidelines and best practices that are directly relevant to developing, implementing and maintaining an Environmental Management System.

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Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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Draft Reg. 46(2)(d) and (3)

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2. An Environmental Management System shall, inter alia:

[...]

~~[(d) Include the results of the audit, and any in the Contractor’s annual reports and the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.]~~

3. ~~All~~ The results of any audit and all changes made to a Contractor’s Environmental Management System, for example resulting from management reviews ~~and or~~ audits, ~~for any development of the Rules of the Authority],~~ shall be reflected in the Contractor’s annual reports and in the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52. A proposed material change to a Contractor’s Environmental Management System shall be treated the same as a modification of a Plan of Work, pursuant to Regulation 57.

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

- We propose removing extraneous language regarding the development of the Rules of the Authority from Draft Regulation 46(3).
- We also propose clarifying that any audit results as well as all changes made to a Contractor’s Environmental Management System shall be reflected in the Contractor’s annual reports and in the EMMP performance assessment.
- This amendment to Draft Regulation 46(3) also makes Draft Regulation 46(2)(d) unnecessary and so we propose to delete it.

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**2. Name(s) of Delegation(s) making the proposal:**

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

**3. Please indicate the relevant provision to which the textual proposal refers.**

Draft Reg. 46(2)

**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. An Environmental Management System shall, inter alia:

(a) Deliver the Authority’s environmental objectives in the Contract area including those reflected in the applicant’s Environmental Management and Monitoring Plan, and ~~taking into~~ the applicable Regional Environmental Management Plan ~~as well as any additional objectives as set by the Contractor or Sponsoring State.~~

(b) Be reviewed ~~[to reflect the development of the Rules of the Authority]~~ and undergo [periodical] ~~[annual]~~ audits by an independent recognized and accredited international or national organization, in accordance with applicable Standards and taking into account applicable Guidelines, ~~the Convention, the Agreement, and other relevant international law;~~ and

(c) Facilitate effective reporting to the Authority in connection with environmental performance, pursuant to Regulations 33, 34, 38, 39, and 52.

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

- We propose removing the language regarding additional environmental objectives in Draft Regulation 46(2)(a) as these will be reflected in the Environmental Management and Monitoring Plan.
- For Draft Regulation 46(2)(b), we propose removing extraneous language regarding the development of the Rules of the Authority, these will be necessarily considered when conducting audits and do not need to be reiterated here. We also support periodic rather than annual audits to ensure they are conducted at an appropriate frequency. Finally, we also propose deleting the reference to the Convention, the

Agreement and other relevant international law concepts – a reference to the applicable Standards and Guidelines is sufficient here.