

**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:

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 bis (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, pursuant to its Environmental Management and Monitoring Plan required under Regulation 48 and in accordance with the Standard on environmental monitoring programmes and other applicable Standards, and taking account of the [~~relevant~~]applicable guidelines observe, [~~measure~~], evaluate and analyse, in accordance with Best Available Scientific information, Best Environmental Practices, and Best Available Techniques, the impact of its activities as compared to the environmental thresholds contained in the Standards, and ~~risks to~~ Environmental Effects on and environmental risks to the Marine Environment arising from Exploitation. ~~Surveillance~~ Monitoring shall be conducted continuously during all stages of the mining operation, to determine whether it is having or likely to have harmful effects on the Marine Environment until satisfactory ~~completion~~ implementation of a Closure Plan.

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

- Draft Regulation 46 bis (1) is concerned with observation and analysis. Therefore, we consider that it is not correct to require observation and analysis of “environmental thresholds” – which will be clearly outlined in the Standards.
- Instead, we suggest this paragraph be amended to reference observing, measuring and analysing environmental impact as compared to the environmental thresholds and environmental effects/risks.
- We also consider that the reference to “completion” of the Closure Plan should be changed to “implementation” given that completion is largely an administrative exercise, whereas the key milestone in relation to monitoring is that the Closure Plan has been satisfactorily implemented.

- We have also proposed other drafting changes for consistency of language.

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Draft Reg. 46 bis (2)

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2. The Contractor shall establish and implement an environmental management and monitoring programme in accordance with the approved [~~environmental monitoring plan~~ **Environmental Management and Monitoring Plan**] and in accordance with the Standard on Monitoring Programmes and cooperate with, the Authority and the Sponsoring State or States as well as share non-confidential findings and results of such programmes with the Authority for [~~wider dissemination~~ public access].

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

- It is important to clarify that any information released publicly will be limited to non-confidential matters.
- We have therefore proposed amendments to Draft Regulation 46 bis (2) to ensure confidential information can be protected.

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Draft Reg. 46 bis (3)

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~~3. In addition to the Monitoring conducted by the Contractor pursuant to Paragraph 2t The Environmental Management and Monitoring Plan shall cover all stages of the mining life cycle, and on submission for approval contain a monitoring programme for at least the first [five] [seven] years of [the mining project, commercial production] to be conducted by independent experts and in compliance with the applicable Standards and taking account of the relevant guidelines.~~

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

- We propose deleting Draft Regulation 46 bis (3) for consistency with the approach now taken to the EMMP.
- Draft Regulation 46 bis (1) already requires continuous monitoring under an EMMP throughout the duration of the contract. As such, Draft Regulation 46 bis (3) is not needed and is inconsistent with the approach to the EMMP.

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Draft Reg. 46 bis (4)

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4. The Contractor shall report annually in writing, in accordance with these regulations, to the Secretary-General on the implementation and results of the Environmental Management and Monitoring Plan and the environmental monitoring programme referred to in paragraph 2, in accordance with Regulation 38, paragraph 2(g). The [~~Secretary General Contractor~~] shall [~~release publicly submit to the Secretary General~~][submit to the Secretary General] environmental data and information in the required standardized format, ~~in real time or at [monthly intervals]~~[annually], [~~if possible~~] consistent with best scientific practices, [~~environmental data and information in the required standardized format~~], and in accordance with the applicable Standards, and taking into account the applicable Guidelines. [~~The Secretary General shall release the environmental data and information publicly in accordance with regulation 92bis.~~] The Secretary-General shall transmit annual reports to the Commission for its consideration pursuant to article 165 of the Convention and publish them pursuant to Regulation 38(3).

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

- Consistent with our previous submissions, we reiterate our concern that “real time” provision of environmental data required under Draft Regulation 46 bis (4) is not feasible – neither for the Contractor to provide, nor for the Authority to process.
- We support requiring environmental data to be submitted annually.

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Draft Reg. 46 bis (5)

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5. In implementing paragraph 1, the Sponsoring State [or States](#) and Contractor shall consult, with any adjacent coastal State ~~[across whose limits of national jurisdiction lie]~~ with a view to avoiding infringement of their rights and legitimate interests, in accordance with Regulation 4.

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

- We propose a minor amendment to clarify that Contractors may have multiple Sponsoring States.