

**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. 48 alt (1) and (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.

1. An applicant or Contractor shall prepare an Environmental Impact Statement in accordance with this regulation, the applicable Standard and taking account of the Guideline. ~~The~~ Such an Environmental Impact Statement will ~~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. The Environmental Impact Statement shall document and report the results of the Environmental Impact Assessment carried out in accordance with Regulation 47ter and shall provide the International Seabed Authority, its member States and other Stakeholders with unambiguous documentation of the potential Environmental Effects based on the Best Available Scientific Information, ~~and~~ Best Environmental Practices, Best Available Techniques, and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted.

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

- We propose textual changes in Draft Regulation 48 alt (1) and (2) for clarity and consistency.
- We also do not consider that the standard for the EIS should be “unambiguous” documentation. This is too high a bar that would remove from consideration a range of potential sources regarding environmental impact.

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Draft Reg. 48 alt (3)(c)

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(c) Identify substantive and relevant comments received through public consultation on the environmental impact assessment and explain how ~~each has been~~ such comments have been incorporated or otherwise addressed,

[...]

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

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

- We propose adding the phrase “and relevant” to Draft Regulation 48 alt (3)(c) to clarify that Contractors do not need to engage with irrelevant comments they may receive during consultations.
- We also propose removing the requirement for outside expert review of the EIS, consistent with our earlier submissions. Requiring outside review would usurp the Authority’s assessment and regulatory role, and add to the cost and time associated with the review of the EIS.

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

Draft Reg. 48 alt (3)

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.

~~3. The Environmental Impact Statement shall be in a form prescribed by the Authority in the relevant applicable Standard and in accordance with the relevant applicable~~ taking into account the Guideline and shall:

[...]

~~(b) Demonstrate that the proposed Exploitation is in accordance with all relevant applicable environmental Standards and the Authority’s environmental objectives and takes into account in accordance with the requirements of the relevant Regional Environmental Management Plan, environmental baseline data as well as any additional objectives as set by the Contractor and any results of the performed test mining study, where applicable,~~

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

- We propose amendments to Draft Regulation 48alt(3) to reflect the nature and legal status of REMPs which contain goals, objectives, and management tools for environmental management.
- We have also proposed other changes for clarity and to ensure the language is consistent with that used elsewhere in the Draft Regulations.

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

Draft Reg. 48 alt (4)(m)

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

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

- We propose deleting Draft Regulation 48 alt(4)(m), as it could be read to suggest that Contractors have continuing obligations to limit or oversee onward or downstream use of mineral resources recovered from the Area, which is commercially impossible and legally problematic.

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Draft Reg. 48 alt (4)

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.

4. The Environmental Impact Statement shall, ~~but not limited to,~~ entail the following elements, ~~which are described in~~ the applicable Standard and taking into account the Guidelines ~~greater detail in [Annex IV/ Standard]:~~

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

- Consistent with our earlier submissions, we propose that the content contained in Draft Regulation 48 alt (4) be moved to a Standard or Guideline.
- This will help streamline the regulations given the level of detail this paragraph currently contains.

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

Draft Reg. 48 alt (5)

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.

~~5. The Environmental Impact Statement of every project, including any revisions, should shall be made available on the official 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 propose textual edits to Draft Regulation 48 alt (5) for clarity and to ensure the language is consistent with that used elsewhere in the Draft Regulations.
- In particular, the final part of the sentence is unnecessary and does not serve to clarify the provision or requirement.