

**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. 49(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 take ~~all~~ necessary ~~the necessary and appropriate~~ measures to protect ~~and preserve~~ the Marine Environment ~~[and the coastlines]~~ from ~~[harmful effects]~~ ~~[Serious Harm]~~, in accordance with Article 145 of the Convention, including by preventing, reducing and controlling pollution and other hazards, ~~[including marine litter and underwater noise,]~~ that arise from its activities in the Area. ~~This is to be done~~ in accordance with its Environmental Management and Monitoring Plan ~~and the Convention, the Agreement, and all relevant Rules of the Authority the relevant applicable Regional Environmental Management Plan, and taking account of the Environmental Management and Monitoring Plan and the applicable Standards~~ and taking into account the ~~or~~ Guidelines ~~and the relevant applicable Regional Environmental Management Plan~~. ~~If a potentially polluting wreck is discovered and it is an object of an archaeological and historical nature, then the duty to protect such heritage must also be considered consistent with Article 149 of the Convention.~~

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

- We propose to retain the word “necessary” in Draft Regulation 49(1) and to delete “and preserve”, for consistency with Article 145 of the Convention and the rest of the Draft Regulations.
- Given the link between this paragraph and Article 145, we accept the reference to “harmful effects” on the understanding that this regulation creates a due diligence obligation of the same nature as Article 145.
- Consistent with our previous submissions, we propose removing a variety of the factors listed in Draft Regulation 49, as they are extraneous, unnecessary, or covered

elsewhere in the Draft Regulations (such as those addressing archaeological concerns).

- In particular, we note that there is already a detailed regime for EMMPs, which includes reference to the REMP. There is no need to duplicate that regime here where the EMMP is referred to.