

**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. 51

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.

Regulation 51

Compliance with the Environmental Management and Monitoring Plan

1. A Contractor shall, in accordance with these regulations, implement and adhere to its Environmental Management and Monitoring Plan ~~and these regulations,~~ and shall:

~~(a) Monitor continuously in accordance with the applicable Standard, on Environmental Monitoring releases submit environmental monitoring data [publicly], in accordance with regulation 46terbis, paragraph 4 in an accessible format consistent with best scientific practice, in real where possible or at monthly intervals on a monthly basis and report annually under regulation 38 (2) (g) on the Environmental Effects of its activities on the Marine Environment, including a comparison between baseline data and monitoring data, as well as a comparison between baseline data and threshold values, to document the actual effects on the Marine Environment and manage all such effects as an integral part of its Exploitation activities as set out in the relevant Standards and taking into account the relevant Guidelines referred to in regulation 45;~~

~~(b) Apply best endeavours to improve Implement all applicable mitigation and management measures to ensure the effective protection of the Marine Environment from harmful effects, as set out in the [relevant] Standards, inter alia those referred to in regulation 45, and taking into account relevant Guidelines referred to in regulation 45; and~~

(c) Monitor compliance with, assess, and maintain the currency and adequacy of the Environmental Management and Monitoring Plan and ~~its~~ Environmental Management System during the term of its exploitation contract including in accordance with the applicable Standards and taking account of the Guidelines, as a result of~~through~~ management or audit review under regulation 46~~(3) or~~, performance assessment under regulation 52, or any ~~and with~~ modification to the Plan of Work under regulation 57 ~~where required~~.

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

- We consider that Draft Regulation 51(1)(a) and (b) substantially overlaps with Draft Regulation 46 bis and other regulations regarding environmental monitoring and management.
- It is also unclear why Draft Regulation 51 imposes additional specific monitoring and mitigation obligations, when these will be contained in the EMMP itself, in addition to the similar obligations found in Draft Regulation 46 bis and elsewhere.
- For streamlining and efficiency, we consider that Draft Regulation 51 should simply state the key obligation that the Contractor has to implement and adhere to its EMMP and the requirement in sub-paragraph (c) to monitor the EMMP itself and ensure it is current and adequate.
- There is no need to restate the same monitoring and mitigation obligations that the Contractor is already subject to in this Draft Regulation. Doing so only creates confusion and a lack of clarity regarding the scope of the Contractor's obligations.