

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS
DURING THE 29TH SESSION: COUNCIL - PART I**

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 on 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 Regulation 45

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 45 [IWG ENV]

Development of environmental Standards and Guidelines

[...]

2. The Council shall, based on the recommendations of the Commission, adopt ~~E~~environmental Standards ~~in accordance with regulation[s 94 and 95]~~, inter alia on the following subject matters:

[...]

(c) ~~[Resource and region specific]~~ indicators and quantitative environmental thresholds;
~~including but not limited to;~~

~~{(i) biodiversity status and ecosystem structures, functions and services;~~

~~{(i) bis Physical properties of water (temperature, salinity, turbidity);~~

~~{(i) ter Chemical properties of water;~~

~~{(i) quad Chemical properties of sediments;}~~

~~{(ii) sediment plume characteristics (in particular, composition and characteristics of dissolved and suspended matter, plume dispersion, properties such as turbidity, depositional footprint and chemical composition, sedimentation rates); dispersion and dilution, resettlement, temperature and toxicity.~~

~~{(iii) Physico-chemical Characteristics of seawater and sediment, including water chemistry and temperature~~

~~{(iv) light emissions;~~

~~{(v) noise and vibrations emissions and~~

~~{{vi} habitat disturbance.}~~

~~{{vi} greenhouse gas emissions.}~~

[...]

~~3. The Authority shall not approve any Exploitation unless the environmental Standards and Guidelines have been adopted.~~

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

- We object to the inclusion of specific indicators in Draft Regulation 45(2)(c). This would make the regulation overly prescriptive. Just referring to thresholds will ensure the LTC has sufficiently broad power to consider and formulate relevant and appropriate thresholds. There is no need to specify the various aspects of these thresholds here, all this would do is constrains the Commission’s ability to develop sufficiently dynamic thresholds to suit all Contractors in all situations.
- Consistent with our previous written submissions, we remain very concerned that certain aspects of the Draft Regulations (such as Draft Regulation 45(3)) impose absolute and arbitrary blocks on the Authority’s ability to consider and approve applications for exploitation, contrary to the provisions of the Convention and the Part XI Implementation Agreement.
- The existing text that seeks to prevent the approval of a plan of work in the absence of environmental standards is contradictory to the Authority’s treaty obligations pursuant to Section 1, Paragraph 15(c) of the Part XI Implementation Agreement.
- The Authority is capable of adequately assessing such applications while the Standards are being developed and has a variety of sources to aid its work (including those specified in the Draft Regulations and Annex III of the Convention).
- As such, we propose deleting Draft Regulation 45(3).
- If Draft Regulation 45(3) is not deleted, we would propose amending paragraph 3 to require the Council to complete any outstanding Standards within a set period of time of receiving its first application for a Plan of Work for exploitation. We would propose the following wording of paragraph 3: “In the event that an application for a Plan of Work is submitted and the environmental Standards and Guidelines have not been adopted, the Council shall prepare and adopt any outstanding environmental Standards within 12 months of its receipt of the application.”