

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS  
DURING THE 29<sup>TH</sup> 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](mailto: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 46(2) and (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.**

**Regulation 46 ~~7~~ alt.** [previously 47 Alt.][IWG ENV]

**Environmental Impact Assessment Process**

[...]

2. The purpose of an Environmental Impact Assessment under this Regulation shall be to [identify and inform the Authority’s assessment of an application of a Plan of Work under Regulations 13 to 16, or a Contract’s continued adherence to these Regulations and] predict [and evaluate the potential] Environmental Impacts, [effects and risks] anticipated from the proposed activities [on the marine environment and identify necessary measures to Mitigate or manage such effects and risks], to enable the Authority to assess the potential residual adverse Environmental Effects [and risks], with the aim to:

(a) Ensure effective Protection for the ~~M~~marine ~~E~~environment from ~~harmful effects~~Serious Harm which may arise from such proposed activities;

(b) Ensure that activities in the Area are carried out with reasonable regard for other activities in the Marine Environment~~t~~;

(c) Avoid Serious [~~Avoid Serious~~] [~~Prevent~~] ~~harm~~Harm to the Marine Environment arising out of the proposed activities;

[...]

3. The Environmental Impact Assessment [Process] shall:

[...]

~~(e) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority;~~

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

- For clarity and accuracy, we propose to specify that what the Authority is in fact assessing are the “residual” adverse Environmental Effects and risks.
- In line with our separate submission on the use of the term Serious Harm across the Draft Regulations, we also reiterate that the standard for harm here should be Serious Harm not just the risk of any and all harmful effects. “Serious Harm” is a key concept for setting out the legal obligations on Contractors with regard to protecting the Marine Environment.
- It is impossible to prevent all harmful effects and subparagraph 2(a) should seek to regulate unacceptable levels of harm – that is, Serious Harm.
- Similarly, we do not support the amendment of the wording in sub-paragraph 2(c). Specifically, we are concerned that the deletion of “Serious” in sub-paragraph 2(c) would result in an overbroad obligation to prevent all harm. All extractive industries involve a degree of harm that cannot be prevented.