

**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:

President's Text

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 47bis (6), (7) and (8)

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 47 bis ~~ter-alt.~~ [IWG ENV]

Scoping Report

[...]

6. The Commission shall consider a scoping report submitted in accordance with this Regulation, and taking into account the consultation submission received under Regulation 93 bis (8), the applicant or Contractor's written response prepared under Regulation 93 bis (9), any additional information provided by the Secretary-General, and in accordance with [the applicable] Standards and taking into consideration Guidelines. ~~Based on this review, the Commission shall approve a scoping report, disapprove it or make recommendations to the applicant or Contractor regarding the proposed scope of the Environmental Impact Assessment, accompanied by a detailed rationale [for such recommendations].~~

7. The Commission ~~may~~shall, within 60 days following its receipt of the report and any comments received as part of the consultation process referred to in paragraph 5, recommend that the applicant:

~~(a) Revise the Environmental Risk Assessment or other aspects of the scoping report based on different methodology or inputs;~~

(b) Amend the proposed terms of reference for the Environmental Impact Assessment;

(c) Revise a Scoping Report and submit the report for further consideration; ~~or~~

(d) Consult under Regulation 93 bis on any revised scoping report, particularly if the recommendations are likely to lead to a Material Change in the Scoping Report; or

(e) proceed with the preparation of the Environmental Impact Assessment based on the terms of the reference contained in the Scoping Report.-

8. The applicant or Contractor shall, before proceeding with an Environmental Impact Assessment [pursuant to Regulation 47]:

(a) Take full account of the Commission's recommendations under this Regulation for any recommendations or scoping reports concluded prior to the adoption of these Regulations and in accordance with an Exploration contract};

[(b) Submit a revised scoping report, including any amended terms of reference]; and

(c) Agree the final contents of the proposed terms of reference in the Scoping Report with the Commission.

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

- We consider that the Commission should not be approving or disapproving the Scoping Report. It is the Commission's role to approve the Terms of Reference for the Environmental Impact Assessment (EIA) under paragraph 8, not the Scoping Report. Instead, the Scoping Report is designed to provide information on how the Terms of Reference have been justified.
- Draft Regulation 47bis(7) and (8) already specify the appropriate next steps of the Commission in regard to the Scoping Report. There is thus no need for the Commission to approve the Scoping Report under Draft Regulation 47bis (6).
- We have proposed amendments to Draft Regulation 47bis to remove the requirement for the Commission to 'approve' the Scoping Report and to clarify the recommendations the Commission can make in relation to the Scoping Report – namely, to amend the Terms of Reference, revise the Scoping Report to include additional information to support the Terms of Reference, consult on any revised Scoping Report, or proceed to prepare an Environmental Impact Assessment.
- We have also changed 'may' to 'shall' in paragraph 7 as there is no need for the Commission to have a discretion at this stage of the process.
- We support the inclusion of a reference to Scoping Reports concluded prior to the adoption of the Draft Regulations given the extensive work currently being undertaken by contractors with the Commission on EIAs and scoping.