

**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 52(3), (4) and (6)

**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 52 [IWG ENV]**

**Performance assessments of the Environmental Management and Monitoring Plan**

[...]

3. The Contractor shall submit a Performance Assessment Report to the Secretary-General in accordance with, and in the format set out in, the applicable Standard or applicable Guidelines~~A Contractor shall hire a competent and Independent Auditor to [carry out the performance assessment required for the purpose of this Regulation and shall submit the findings in a] report to the Secretary-General in accordance with, and in the format set out in, the applicable Standards and taking into consideration Guidelines.~~

4. ~~[The Contractor shall conduct a consultation regarding the Performance Assessment Report with all States and Stakeholders in accordance with Regulation 93bis.]- The Commission shall review the performance assessment report and any stakeholder comments received [within 60 Days of receipt of such report and comments]. The [Commission] shall, where necessary and appropriate, consult external competent, independent experts in its review of the performance assessment.~~

[...]

6. Where the Commission has reasonable grounds to believe that a performance assessment cannot be undertaken satisfactorily by a Contractor consistent with the applicable Standards, [the Commission may,] at the cost of the Contractor and subject to consultation with the Contractor to agree on scope of the procurement, [procure] competent, [independent experts] to conduct the performance assessment and to compile the report.

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

- We consider that Draft Regulation 52(3) should not mandate that Contractors hire external auditors for the preparation of a Performance Assessment Report. This requirement is unnecessary as Contractors are likely to have sufficient expertise within their own staff to conduct this work and do not need to hire an independent auditor.
- In relation to Draft Regulation 52(4), we are concerned that as drafted it would effectively require Contractors to conduct stakeholder consultations regarding their performance assessments every 24 months given that Draft Regulation 52(2) requires the performance assessment to be undertaken every 24 months. This is clearly too onerous and unnecessary. It would also create consultation fatigue among stakeholders, particularly given the range of other consultations that will be occurring (and, in the future, consultations from multiple Contractors). As such we propose to delete this requirement.
- In relation to Draft Regulation 52(6), we consider it is not necessary nor appropriate for the Commission to impose additional costs on Contractors without appropriate consultation, by imposing a requirement to engage independent experts procured by the Commission. We have proposed additional wording to this effect.