

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PARTS 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(s) of Delegation(s) making the proposal:

Republic of Nauru

2. Please indicate the relevant provision to which the textual proposal refers.

Regulation 47bis

3. 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.

(e bis) Review the Best Available Scientific Information and, where available, the relevant traditional knowledge of Indigenous Peoples and local communities and conduct consultations with the relevant Stakeholders to identify, to the extent possible, potential areas containing human remains and/or [underwater] cultural heritage, including intangible [underwater] cultural heritage, that are associated with the proposed Exploitation activities.

5. 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 the Guidelines. Based on this review, the Commission shall either approve a Scoping Report, disapprove it or make recommendations to the applicant or Contractor under paragraph 7.

6. 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 [or Contractor]:

(a) revise the preliminary Environmental Risk Assessment, terms of reference or other aspects of the Scoping Report;

(b) Submits ~~the a revised Scoping R~~eport, including any amended terms of reference for further consideration by the Commission; or

(c) Further consults 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

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

7. The applicant or Contractor ~~must~~shall, before proceeding with the next steps of the Environmental Impact Assessment pursuant to Regulation 47 agree the final contents of the draft terms of reference with obtain the Commission’s approval of the Scoping Report under paragraph 6 (or have obtained approval of the sScoping Report or taken account of any recommendations of the Authority provided prior to the adoption of these Regulations). before proceeding with the next steps of the Environmental Impact Assessment pursuant to Regulation 47.

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

As per an earlier written submission, we suggest a **new sub-paragraph 3 (e bis)** to reflect a requirement for contractors to identify potential human remains or underwater cultural heritage at the scoping stage of the Environmental Impact Assessment.

We would suggest amending Draft Regulation 47bis to remove the requirement for the Commission to 'approve' or 'disapprove' the Scoping Report and clarify the recommendations the Commission can make in relation to the Scoping Report. We appear to have lost track of earlier approaches taken in this regulation due to significant mark-ups and changes. It is not the Commission's role to approve or disapprove an informational document, but to make recommendations on it and to agree the terms of reference, not approve or disapprove the Scoping Report document per se.

We propose the inclusion of a reference to scoping 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.
