

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

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.

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.

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

We note paragraph (6) authorizes the Commission to approve or disapprove the Scoping Report in this regulation. However, 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 per se. Paragraphs (7) and (8) specify the appropriate next steps of the Commission regarding the Scoping Report, so we would suggest that there is no need for the Commission to approve the Scoping Report under paragraph (6). We suggest the text from "Based on this review" to the end of the regulation is deleted.

We also suggest the word 'may' to 'shall' in paragraph 7 as there is no need for the Commission to have a discretion at this stage of the process. Adding a timeframe to paragraph 7 for the Commission to make any recommendations regarding a report will be helpful. We further propose a new sub-paragraph (e).

We support the inclusion of a reference to Scoping Reports concluded prior to the adoption of the draft regulations at sub-paragraph 8(a) given the extensive work currently being undertaken by exploration contractors with the Commission on EIAs and scoping.