

**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 50bis

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.

2. An Environmental Management System shall, inter alia:

...

(a)bis Be subject to continual and systematic assessment and improvement, taking into consideration the applicable Guideline;

3. All changes made to a Contractor’s Environmental Management System, for example resulting from the output of management reviews and audits, shall be reflected in the Contractor’s annual reports and in the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52. A proposed change to a Contractor’s Environmental Management System shall be treated the same as a modification of a Plan of Work, pursuant to Regulation 57. A Contractor shall, in its annual reports and in the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52 demonstrate the continual and systematic assessment of the adequacy of the Environmental Management System and its improvement, including through the output of management reviews and audits.

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

We note the important intersessional work being conducted under Norway’s leadership in respect of this regulation 50bis and other regulations relating to environmental management and monitoring. Nauru is participating in these discussions which may lead to revised text. However, we consider it important that the following is considered in connection with regulation 50bis as it is currently drafted.

We consider that the continual improvement of a contractor’s environmental management system is part of good industry practice. Continual improvement is also referenced in the Draft standard and guidelines on the development and application of environmental management systems (ISBA/27/C/7). It is crucial for contractors to be able to regularly change, improve and adapt their environmental management systems as circumstances require. Consequently, this

regulation should support and reflect that and we suggest a new sub-paragraph 2(a)bis to this effect.

Secondly, as drafted, paragraph (3) would require contractors to follow regulation 57 for each and every modification to their Environmental Management System, no matter how minor. This would include numerous and continuous notifications to the Secretary-General. This would be an onerous requirement that would not only delay updates to Environmental Management Systems and add to the Authority's workload, but potentially discourage continual improvement.

As such, we propose that paragraph (3) in its current form is deleted and replaced with the text above.

We consider that the proposed changes will facilitate and support the continual improvement of Environmental Management Systems with appropriate oversight by the Authority through the annual reporting process.