

Regulation 45

Development of environmental Standards and Guidelines

Facilitator's Further Revised Text (green shading – text accepted from AG submissions, orange shading – text where AG submissions diverge from current text)	Suggested draft Revised Text	Draft Intervention (March 2023)
<p>1. The Council shall, based on the recommendations of the Commission, develop Environmental Standards and Guidelines shall be developed in accordance with regulations 94 and 95 and shall include, <i>inter alia</i>, the following subject matters aimed at ensuring a Contractor does not cause Serious Harm to the Marine Environment;</p>		
<p>(a) Environmental quality objectives, <u>and indicators and thresholds</u>, including <u>but not limited to an ecological balance of the marine environment ecosystem, structures, functions and services</u>, biodiversity status, plume, <u>dispersion and dilution</u>, toxicity, composition, <u>water</u> chemistry, <u>as well as and extent sedimentation rates and light and noise emissions</u>. <u>This also includes (a)bis B</u>baseline data collection, <u>including as well as</u> all available data on the marine ecosystems and biodiversity.</p> <p><u>(b) Environmental management, reporting and m</u>Monitoring procedures <u>to assess the impacts on the Marine Environment, including and interpretation of results, and</u></p>		<p>Regarding Reg 45 para 1a, with this level of detail now included in what was initially a placeholder regulation, we suggest that all Standards or Guidelines referenced be SMART and FAIR, so that contractors can comply with their requirements, and the regulator can easily assess that compliance.</p> <p>The list in para 1a cannot contain suggestions for Standards and Guidelines that are unclear, undefined or challenging to understand by the broader stakeholders.</p> <p>In light of this, we consider that there may be difficulties regarding “biodiversity status” as a quality objective. To our knowledge,</p>

		<p>“biodiversity status” is not defined in other major international environmental conventions or treaties.</p> <p>If “biodiversity status” relates to “conservation status” of species or habitats, this needs to be clarified.</p>
<p><u>(c) Mitigation measures of harmful effects to the marine environment, Mitigation measures Prevention, reduction and control measures and/or remediation of environmental harm, and/or where possible, remediation or compensation of environmental harm, thereby following the mitigation hierarchy of avoid, minimize, remediate</u></p>	<p>(c) Mitigation measures as defined in the Schedule, including priority order and descriptions of each step in the mitigation hierarchy and clarifications on their use, process and approvals as necessary.</p>	<p>Regarding para 1(c), as mentioned previously, Mitigation is a defined term in the Schedule:</p> <p>We suggest that to streamline the text this paragraph could be rephrased to:</p> <p>(a) Mitigation measures, as defined in the Schedule, including the priority order and descriptions of each step in the mitigation hierarchy, and clarifications on their use, process and approvals as necessary.</p>
<p>(d) Technical requirements with regard <u>Exploitation</u> activities and</p> <p>(f) <u>Quantitative assessment of Environ</u></p> <p><u>(g) Assessment of accidental events and natural hazards leading to environmental emergencies as well as environmentally hazardous discharges and residual effects of such emergencies, including preparation and implementation of emergency response and contingency plans.</u></p> <p><u>(h) Procedural and substantive requirements relating to submissions required by these regulations, including but not limited to: Plans of Work, Environmental Management Systems, Environmental Impact Assessments, Environmental Impact Statements, and Environmental Management and Monitoring Plans.</u></p> <p><u>(i) Safe management and operation of mining vessels and installations.</u></p>		<p>The AG is supportive of this wording of para (d) through (i)</p>

2. The Authority shall not approve any Exploitation activities unless the necessary environmental Standards and Guidelines have been adopted.

The AG is supportive of this wording