

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART II
Informal Working Group - Environment**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

1. Name(s) of Delegation(s) making the proposal:

Ireland

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

Draft Regulation 45

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.

Regulation 45

Development of environmental Standards and Guidelines

1. Environmental Standards and Guidelines developed under this regulation shall have the ~~aim to ensure~~ purpose of ensuring the effective protection of the Marine Environment from harmful effects, in accordance with Article 145 of the Convention.

2. The Council shall, based on the recommendations of the Commission, adopt Environmental Standards in accordance with regulation 94, inter alia on the following subject matters:

(a) Baseline investigations;

(b) Environmental quality objectives;

(c) Indicators and quantitative environmental thresholds, including but not limited to:

(i) biodiversity status and ecosystem structures, functions and services;

(ii) sediment plume properties such as turbidity, depositional footprint and chemical composition ~~dispersion and dilution, resettlement, temperature, toxicity and composition;~~

(iii) water chemistry and temperature;

(iv) light emissions;

(v) noise and vibrations emissions and

(vi) habitat ~~disturbance-removal.~~

(d) Monitoring procedures

(e) Mitigation measures;

(f) Technical and operational requirements for environment protection

with regard to all the equipment used for the Exploitation activities and

(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.

(h) Procedural and substantive requirements relating to submissions or reports required by these regulations, including but not limited to: Plans of Work, Environmental Management Systems, Environmental Impact Assessments, Environmental Risk Assessments, Environmental Impact Statements, Environmental Management and Monitoring Plans and Closure Plans.

3. The Authority shall not approve any Exploitation activities unless the Environmental Standards [and Guidelines] have been adopted.

4. In addition to the Environmental Standards, Guidelines on environmental matters may be developed, in accordance with regulation 95.

5. Environmental Standards and Guidelines shall be regularly reviewed and updated in response to advancements in scientific knowledge and experience.

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

Ireland supports this version of Reg 45 as proposed by the intersessional group.

While we acknowledge that Para 1 is an objectives clause, the wording “aim to” is too weak and suggests something more of an aspiration than an objective. Our proposed alternative language is, it is submitted, more consonant with UNCLOS, in particular Article 145.

We have proposed changes to Para 2(c)(ii) to better reflect the type of plume properties for which indicators and thresholds can be defined. Other aspects which determine how a sediment plume spreads and settles, such as the grain size distribution, cohesive properties, water content etc. are of relevance when determining the impacts of sediment plume.

The rationale for the proposed change in Para 2(c)(vi) is that a threshold should already be defined for habitat disturbance, as disturbance can have an adverse effect on ecosystem functioning. Extreme disturbance is habitat removal.

In Para 2(f) including the word “operational” and “all” adds more relevant specificity to the equipment used for exploitation activities.

In Para 3 we would query whether for consistency with other Regulations, there should also be a reference to Guidelines.