

**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 50

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 50

Restriction on Mining Discharges

1. A Contractor shall not dispose, dump or discharge into the Marine Environment any Mining Discharge, except where such disposal, dumping or discharge is permitted in accordance with:

- (a) The assessment framework for Mining Discharges as set out in the Standard;
- (b) The Environmental Management and Monitoring Plan; and
- (c) International applicable rules and regulations set out by the International Maritime Organization.

2. Paragraph 1 above shall not apply if such disposal, dumping or discharge into the Marine Environment is necessary for the safety of the vessel or Installation or the safety of human life, provided that such disposal, dumping or discharge is conducted so as to ~~all~~ minimize the ~~likelihood~~ possibility of harm to ~~human life and prevent Harm to~~ the Marine Environment. If ~~Serious~~ Harm to the Marine Environment occurs as a result of disposal, dumping or discharge, the Contractor shall monitor, ~~and~~ [and] Mitigate [and remediate] the impacts of such harm, and shall report forthwith about such disposal, dumping or [discharge] to the Authority.

~~[2. Alt. Paragraph 1 above shall not apply if such disposal, dumping or discharge into the Marine Environment is necessary for the safety of the vessel or Installation or the safety of human life, provided that such disposal, dumping or discharge is conducted so as to minimize the likelihood of harm to human life and prevent Harm to the Marine Environment.]~~

3. The disposal, dumping or discharge into the Marine Environment of any Mining Discharge that is not permitted in accordance with paragraphs 1 and 2 above is considered an unauthorized Mining Discharge and constitutes a Notifiable Event under regulation 34 and Appendix 1.

[4. This Regulation shall be, where applicable, interpreted and applied in a manner that is consistent with the obligations of the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matters, 1972 and the 1996 Protocol thereto., where applicable, in particular Articles IV4 and X10.]

[5.] The applicant or contractor must also keep a register of discharges [to be updated at least weekly, allowing to it be consulted in real time] that shall be reported annually to the Authority as part of the mandatory annual report that must be prepared throughout the operation.

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

All mining discharges or release of tailings should occur under strict environmental standards. In an emergency situation, where higher concentration or larger volumes of waste material have to be discharged, appropriate procedures should be in place to:

- minimize the extent of the emergency release
- provide a timely report of such an event under Regulation 34, and
- activate appropriate remediation measures which may include altering planned operations

Furthermore, the threshold for exemptions in Para 2 is not yet well elaborated. In order to harmonize the regulation with existing frameworks Ireland suggests that the same thresholds apply as apply under other relevant instruments (IMO/London Protocol, etc).

In Para 2, it is proposed that “possibility” is preferable to “likelihood”, as the latter would suggest a lower standard for environmental protection.

Para 2 as drafted is somewhat conceptually muddled. We have made some suggested changes with a view to making it clearer.