

**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:

The Pew Charitable Trusts

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

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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.

1. Environmental Standards and Guidelines developed under this Regulation shall have the 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 ~~e~~Environmental Standards ~~in accordance with regulation[s 94 and 95]~~, inter alia on the following subject matters:

(a) Baseline ~~[environmental studies investigations]~~;

(b) Environmental quality objectives;

(c) ~~[Resource and region specific]~~ Indicators and quantitative environmental thresholds, including but not limited to::

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

~~[(i)bis Physical properties of water (temperature, salinity, turbidity);~~

~~(i)ter Chemical properties of water, including toxicity;~~

~~(i)quad Chemical properties of sediments;]~~

(ii) ~~sediment~~plume characteristics (in particular, composition and characteristics of dissolved and suspended matter, plume dispersion, ~~properties such as turbidity, depositional footprint and chemical~~ composition, sedimentation rates); ~~dispersion and dilution, resettlement, temperature and toxicity.~~

(iii) Physico-chemical Characteristics of seawater and sediment, including water chemistry and temperature

(iv) light emissions;

(v) noise and vibrations emissions and

~~[(vi) habitat disturbance.]~~

~~[(vi) greenhouse gas emissions.]]~~

(d) Monitoring procedures-

(e) Mitigation ~~m~~Measures, ~~[including restoration measures]~~

(f) Minimum technical ~~[and operational]~~ requirements for environmental protection with regard to all the equipment, ~~[operational procedures and processes]~~ used for the Exploitation activities, ~~[including criteria for the assessment methodology to be used.]~~

(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 Impact Assessment Scoping Report,]~~ Environmental Impact Statements, Environmental Management and Monitoring Plans and Closure Plans.

3. The Authority shall not approve any Exploitation 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. The application of this Regulation shall be without prejudice to the function of the Council, upon recommendation of the [Council] [Commission], to develop adopt other Standards [and Guidelines] on the protection [and conservation] of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment, taking into account the development of the Exploitation activities in the Area. Environmental Standards and Guidelines shall be regularly reviewed and updated in response to advancements in scientific knowledge and experience and new contributions from Indigenous Peoples and local communities, for the purpose of ensuring the effective Protection of the Marine Environment from harmful effects, in accordance with Article 145 of the Convention.

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

We are unsure why ‘Environmental’ has been capitalised in the chapeau of paragraph (2), as this is not a defined term.

We note that the references to potential toxicity of the sediment plume have been deleted in sub-paragraph (2)(c)(ii). Our understanding is that this will be captured by ‘composition and characteristics of dissolved and suspended matter’, (or in ‘chemical properties of water’ and ‘chemical properties of sediment’? Though it may warrant specific mention, noting that ‘toxicity’ has already been established as the topic of a working group tasked to develop thresholds for Standards.

In sub-paragraph (2)(c)(iv), we are pleased to see greenhouse gas emissions included among the list of indicators and thresholds to be agreed. This seems like an urgent necessity given the planetary climate crisis, and the commitments all States have made to reduce and control emissions in other forums. It is our understanding that emissions from deep-seabed mining operations are not controlled by IMO treaties, or by the UNFCCC, so we urge the ISA to step up, and take leadership in setting clear rules in this regard, via the Regulations.

We are unclear why paragraph (5) partly quotes Article 145, but also departs from that language and does not include all elements of Article 145. It also places responsibility for Standard development with the LTC, in terms that conflicts with DR94, which sets the process for Standards development and allocates primary responsibility to the Council. We suggest that Article 145 is more simply referred to in paragraph (5), as in DR45’s chapeau, and that the Council’s role is clarified.

The final sentence of paragraph (5) regarding review of Standards should be deleted, as this is a matter more properly covered in DR94(4). Any elements in this paragraph (5) that are not already featured in DR94(4) could be integrated there. Paragraph (4) also seems redundant to us so would recommend its deletion as well.

As per our previous comments the references to ‘Exploitation activities in the Area’, (in paragraph 5) should better be represented as simply ‘Exploitation activities’ to reflect the way that this term is defined in the Schedule (which already encompasses geographical scope).