



Regulation 48 Intervention - Environmental Management and Monitoring Plan (delivered 25 July 2022)

Thank you Madame Facilitator.

DOSI welcomes the modifications of the facilitators text for draft regulation 48. However, we would like to draw your attention to our observation that DR 48 and Annex VII need better alignment, as some elements have differing descriptions between the two sections.

DOSI strongly supports the inclusion of DR 48 para 3ter to define a minimum time for independent monitoring, in addition to the contractor's own monitoring. DOSI recommends that the actual period should not be fixed to 7 years, as this seems arbitrary in the absence of scientific knowledge. Rather, we recommend that the time be defined based on the ecological characteristics and consequent recovery times of the ecological communities in the contract area.

DOSI recommends four additional inclusions in this draft regulation concerning an EMMP. First, the draft regulation should reference the defined process for identifying and selecting independent experts to review the EMMP.

Second, this draft regulation should cross-reference the requirement for the EMMP to describe a plan for compliance required in DR 51 and a plan for periodic review required in DR 52. We would like to stress the importance of independent auditing for these components. DR 48 should also cross-reference DR 53, highlighting that the EMMP needs to include details about when the Emergency Response and Contingency Plan will be triggered.

Third, DOSI recommends an addition to DR 48 to require an EMMP to include details of the entities involved in monitoring, including their organizational structure and contact details.

Finally, and perhaps most importantly, we again stress that the EMMP needs to describe the plan for making real-time environmental data available from independent monitoring. As scientists, we agree with the concerns raised by Chile regarding the appropriateness and limited functionality of DeepData. As experts, including scientists, we too struggle to access environmental data collected by contractors in the Area, which is essential for independent and regional analyses that will guide REMP and other management decisions. There is a responsibility under UNCLOS to publish environmental data in a transparent, understandable, and usable way, as we raised last week. We hope for quick resolution to these matters, including a data quality control system, the integration of this platform with global observing efforts, and adoption of the FAIR principles of findable, accessible, interoperable, and reusable.

To end, the EMMP should describe the process for dealing with stakeholder concerns, and the plan for the Contractor informing stakeholders of monitoring results.

Thank you Madame Facilitator.