

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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 and send to council2022@isa.org.jm.

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

Norway

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.

Regulation 48

Environmental Management and Monitoring Plan

Alt 1

1. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.

~~12~~. The purpose of a An Environmental Monitoring and Management Plan, which shall accompany an application for approval of a Plan of Work in accordance with regulation 7 is to shall manage and confirm that Environmental impacts effects meet the environmental [quality] objectives and [environmental performance] standards for the mining operation. The plan will contain any conditions included in the Environmental Impact Statement and will set out commitments and procedures on how the environmental impacts of the mining operation will be monitored, how the Mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented, how the effectiveness of such measures will be monitored, what the management responses will be to the monitoring results and what reporting systems will be adopted and followed.

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~~Alt 1~~

~~1. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.~~

~~2. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.~~

~~[2] Alt 1~~

~~The purpose of an Environmental Monitoring and Management Plan is to~~

~~manage and confirm that Environmental Effects impacts meet the environmental quality objectives and standards for the mining operation. The plan will contain any conditions included in the Environmental Impact Statement and will set out commitments and procedures on how the environmental Effects impacts of the mining operation will be monitored, how the mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented, how the effectiveness of such measures will be monitored, what the management responses will be to the monitoring results and what reporting systems will be adopted and followed.~~

3. The Environmental Management and Monitoring Plan shall ~~cover~~include the main all aspects ~~matters~~prescribed by the Authority in aAnnex VII to these regulations and shall be:

(a) Based on the environmental impact assessment and the Environmental Impact Statement;

(b) In accordance with the ~~relevant~~applicable regional environmental management plan, ~~if any~~; and

(c) Prepared in accordance with the applicable ~~Standards Guidelines~~, Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, ~~taking account of the applicable Guidelines~~; and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.

~~(d) Consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.~~

[3bis. A Contractor shall reflect in its Environmental Monitoring and Management Plan:

(a) Its methodology for maintaining compliance with the Standards and thresholds of the Authority developed in accordance with Regulations 45 and 94, and any thresholds set by the relevant Regional Environmental Management Plan;

~~(b) Any conditions included in the Council's environmental impact assessment decision and will set out~~

(c) Commitments and procedures on how the Mitigation measures will be implemented,

(d) How the impacts of the operation as well as the effectiveness of mitigation measures will be monitored, in accordance with Regulation 46ter and the EMMP Standard;

(e) What the management responses will be to the monitoring results.]

[3ter. The EMMP shall contain a monitoring programme for at least the first seven years of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards.]

4. The Contractor shall provide information in its annual report on the implementation of the Environmental Management and Monitoring Plan in accordance with regulations 38, paragraph 2(g), and 46ter, paragraph 3, for evaluation by the Legal and Technical Commission, ~~as well as publicly release~~, in an accessible format, monitoring data and information at monthly intervals.

5bis The Contractor shall allocate sufficient resources and assign roles and responsibilities to implementation of the Environmental Monitoring and Management Plan in proportion to the relevant risks and impacts.

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

Norway suggests setting out the requirement first in para 1 (1) and the purpose of the EMMP in para 1 (2).

Norway suggests including a reference to DR 7 (3) h) in para 2, in the same way as for EIS in DR 47.

Norway agrees with proposals to (3) b) remove "if any" throughout the DR.

(3) c) last sentence is duplicate of (3) (d).

Para 3 bis, litra b: This does not seem to work with the timeline. Both the EIS based on the EIA, and the EMMP form part of the Environmental Plans delivered with the application for a plan of work. It is unclear what the basis for the reference to a "*Council's impact assessment decision*" is. It is not found in DR 46bis.

3ter: it is Norway's view that a monitoring programme should be for the entire period, with a requirement to update it in line with new knowledge, lessons learned, BAT and technological developments. However, Norway queries whether it is practical or desirable for this to be conducted by "independent experts". In a Norwegian context and from a regulator point of view, it is preferable for the contractor to be the only responsible entity for its monitoring activities, and for its Environmental Plans. Further, it is for the LTC as the Council's advisory organ to assess an application for a plan of work. We welcome further discussion on the matter.

4: There is a need to look at the overall reporting requirements. Norway is in favour of stringent reporting requirements, that at the same time are efficient, functional and have actual added value. The most important is to receive reports on any deviations from the plan or any unplanned/unwanted events and how these were dealt with/what actions and/or measures are needed/were implemented in response. Monthly intervals might be too frequent to have added value.