

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH
SESSION: COUNCIL - PART I**

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:

Pew Charitable Trusts

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

DR 46 ter

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.

Proposed edits are in blue

Regulation 46ter

Environmental monitoring

1. The Contractor, through the Environmental Management and Monitoring Plan required under Regulation 47, shall observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment of the mining operation on the marine environment following the approval of the Plan of Work. It shall keep under surveillance the effects of the mining operation to determine whether it is likely to pollute the marine environment.

3. The Contractor shall report annually in writing to the Secretary-General on the implementation and results of the monitoring programme referred to in paragraph 2, in accordance with regulation 38, paragraph 2(g), and shall submit data and information in the required standardized format, taking into account the relevant Standards, Guidelines and recommendations issued by the Commission. The Secretary-General shall transmit such reports to the Commission for its consideration pursuant to article 165 of the Convention.

4. In implementing paragraph 1, the Sponsoring State and Contractor shall maintain consultations, including a system of prior notification, with any adjacent

coastal State across whose jurisdiction resource deposits in the Area lie, with a view to avoiding infringement of their rights and interests, in accordance with Regulation 4.

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

Amendments on para 1 reflect our position that the provision should apply to monitoring of impacts beyond “pollution.” Noting specifically that sediment plumes generated by disturbance of the sea floor may not technically be counted within the definition of “pollution”, because they do not introduce anything new into the marine environment, although they are among the principal mining impacts.

On para 2, we agree with the comments made by the African Group, USA and others that annual reporting is not sufficient for the ISA's ongoing monitoring of Contractors' environmental impacts during exploitation. The Contractor should be required to provide environmental performance data to the ISA in real-time, reporting against indicators in the EMMP. The Contractor should also provide to the ISA, whenever it is available, any new baseline data, model validation data, test results etc, so the ISA does not wait up to a year, to evaluate ongoing impacts. In this regard, the Regs could also require each Contractor to provide the ISA a quarterly data assessment report which provides, statistical analysis, assessment of trends and identification of areas for improvement.

In para 4, the reference to 'resource deposits' seems to limit this clause to exclude adjacent coastal states who share an EEZ border with the Area and may be concerned about transboundary effects (but who do not necessarily have border straddling mineral deposits.) (Also the drafting 'across whose jurisdiction resource deposits in the Area lie' does not seem to make sense: if the deposits are in the Area, then they cannot also be in national jurisdiction. The two are mutually exclusive.