

**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 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.

1 (b) ~~The Environmental Management and Monitoring Plan.~~

2. Paragraph 1 above shall not apply if such disposal, dumping or discharge into the Marine Environment is ~~necessary~~~~carried out~~ for the safety of the vessel or other man-made structures at sea ~~Installation~~ or the safety of human life, provided that such disposal, dumping or discharge is conducted so as ~~all reasonable measures are taken~~ to minimize the likelihood ~~of damage to human life and~~ of ~~Serious~~ Harm to the Marine Environment ~~and, if such harm has occurred, to monitor and mitigate its impacts, and such disposal, dumping or discharge shall be reported forthwith to the Authority.~~

~~3. The disposal, dumping or discharge into the Marine Environment of any Mining Discharge that is not in accordance with permitted under regulation 50(1) or 50(2) is considered an Unauthorized Mining Discharge and constitutes a Notifiable Event under regulation 34 and Appendix 1.~~

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

With regards DR 50 paragraph 1, Pew believes that the rules for disposal, dumping or discharges should be uniform across all Contractors and ISA-led. They should not be negotiable on a contract-by-contract basis.

We therefore support the amendment in sub-paragraph (a) to require a Standard on this subject, which is legally binding on all contractors. On that basis, we would question whether sub-paragraph (b), which refers to including additional permissions about pollution in the EMMP, is necessary.

On para 2, we agree with Costa Rica’s proposal to strike “carried out” and insert “necessary”. This proposal would set a higher threshold (‘necessary’) in which otherwise- unlawful dumping may be permitted.

We appreciate and agree with the deletion of the word 'serious' before 'harm'. The ISA and its contractors should at all times strive not only to avoid serious harm, but to minimise all environmental harm.

See: Fifth Report of the Code Project - Part 2 (Pew, 2019)