

**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 51

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 51

Compliance with the Environmental Management and Monitoring Plan

A Contractor shall, ~~in accordance with the terms and conditions of implement and adhere to its~~ Environmental Management and Monitoring Plan and these regulations, and shall:

- (a) ~~In addition to data collection and reporting requirements under regulation 39bis, m~~Monitor and report annually under regulation 38 (2) (g) on the Environmental Effects of its activities on the Marine Environment, and manage all such effects as an integral part of its Exploitation activities as set out in the Standards referred to in regulation 45;
- (b) ~~Apply best endeavours to improve~~ ~~Implement all applicable~~ Mitigation and management measures to protect the Marine Environment ~~on an ongoing basis~~, as set out in the Standards referred to in regulation 45; and
- (c) ~~Monitor compliance with, and assess and m~~Maintain the currency and adequacy of the Environmental Management and Monitoring Plan ~~and Environmental Management System~~ during the term of its exploitation contract ~~including through management review under regulation 46(2)(e) and performance assessment under regulation 52 and modification to the Plan of Work under regulation 57 where required, in accordance with Best Available Scientific Evidence, Best Available Techniques and Best Environmental Practices and the relevant Standards and any revisions made by the Authority to the relevant Regional Environmental Management Plan,~~ and taking account of the relevant Guidelines.

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

Regarding the first paragraph, we agree with the deletion of the phrase “ the terms and conditions”, as this terminology seems more suited to a legal contract, than to an environmental management plan.

For subparagraph b, we recommend striking “implement all applicable” as this seems redundant. The ‘applicable measures’ referred to here are those measures found in instruments which already bind a Contractor, e.g. the Regulations, Plan of Work, Standards. So this general requirement, that reiterates a Contractor should comply with the Regulations, Standards, and its Plan of Work does not seem to add anything.

Instead, we recommend that this should be an opportunity to reinforce the need to integrate adaptive and continuous-improvement measures into a Contractor’s management programme.

On sub-paragraph (c), the different EMMP review processes may be quite confusing in the Regulations, so we believe cross-referencing here to the relevant Regulations that deal with review of an EMMP, can be helpful to aid collective understanding and ensure alignment. We will submit a textual proposal to this effect.

We also agree with Costa Rica’s insertion after “Best Environmental Practices”.