

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council@isa.org.jm](mailto:council@isa.org.jm).*

- 1. Name of Working Group:**
  
- 2. Name(s) of Delegation(s) making the proposal:**  
The Pew Charitable Trusts
- 3. Please indicate the relevant provision to which the textual proposal refers.**
  
- 4. 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 38 bis. The Authority’s Data Management

The Secretary-General shall ensure that all data and information provided by the Contractor is managed by the Authority in accordance with the data management strategy of the Authority, including with regard to:

- (a) requesting and receiving the data in appropriate format;
- (b) cataloging and categorizing the data;
- (c) processing the data to ensure data is in a standardized format has undergone quality assurance and quality control;
- (d) storing the data and promptly uploading relevant data and information onto the Authority’s website and database;
- (e) processing and managing the data to ensure the information provided by Contractors can be used by the Authority to inform the performance of its functions, and can be accessed by Stakeholders as required; data security and licensing.

**Regulation 39bis: Environmental data reporting by Contractors**

1. A Contractor shall maintain and provide to the Authority, in accordance with this Regulation, environmental data to assist the Authority discharge its duties including the responsibility to ensure the effective protection of the marine environment.
2. Data maintained and provided pursuant to paragraph 1 shall include environmental performance data in real-time, reporting against indicators in the Environmental Management and Monitoring Plan, including any new baseline data collected, model validation data, monitoring data, evaluation of monitoring data, test results and any other

items that may be included in the Plan of Work, Standards or otherwise reasonably requested of a Contractor by the Authority and shall follow the standardised data format provided in Standards.

3. Each Contractor shall additionally provide the Authority with a quarterly data assessment report which provides, statistical analysis, assessment of trends and identification of areas for improvement, and any other items that may be included in the Plan of Work, Standards or otherwise reasonably requested of Contractors by the Authority.

4. The Authority may also from time to time require the Contractor to provide periodic reports focused on analysing longer-term effects to the Marine Environment or regional environmental assessment.

5. The Secretary-General shall maintain databases and publish online all data and reports provided under this Regulation, in accordance with the data management strategy of the Authority.

**6. The Secretary-General shall arrange for the effective management of the submitted information in order to overcome existing gaps in knowledge concerning the marine ecosystems including their sensitivity and resilience, the determination of environmental quality standards and appropriate exploitation equipment. - moved from 38(2bis)**

## **5. Please indicate the rationale for the proposal. [150-word limit]**

We propose two new regulations for this part of the regulations.

Regarding DR 38bis, we suggest insertion of a new regulation on the ISA's data management. We note that the ISA has since 2016 been developing (via the Secretariat, LTC and workshops) its data management strategy, in accordance with Council instruction. It is not clear whether there will be a public consultation on this strategy and when it may be presented to Council for approval. The proposed new Regulation would set some minimum requirements for the ISA's data management strategy, and would then require the ISA to adhere to the agreed strategy when receiving and managing Contractor data. This seems an important inclusion given the importance of the data that the ISA will be receiving, and a need for trust and confidence in stakeholders that the data is being appropriately managed.

Regarding DR39bis, the draft Regulations are weak on requirements for Contractor data reporting and publication, and are too dependent upon Contractor suggestions and discretionary negotiation in an individual Plans of Work. Receipt of targeted data from Contractors will be essential to enable the ISA to deliver on its mandate to run an inspectorate which will monitor environmental impacts and Contractor compliance. This proposed new DR39bis requires all Contractors routinely to provide evidence-base material to assist the ISA both in relation to monitoring and compliance assurance of individual Contractors, as well as identifying general trends and regional carrying capacity, which can inform the ISA's Regional Environmental Management Plan process.

This proposed new DR39bis also speaks to a recommendation from a recent academic study “The operator should publish monthly monitoring reports containing specific information about its compliance with performance standards and metrics.” We also suggest moving a paragraph originally proposed (by Germany) as DR38(2)bis to DR39bis(6) .