

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

The facilitators' proposed amendments are reflected in **red**.

Pew's proposed amendments and our questions or comments regarding the facilitator's remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator's text this is shown **in strikethrough and bold**.

1. Name of Working Group:

IWG Environment

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

Pew Charitable Trusts

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

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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.

1. **The Council shall, based on the recommendations of the Commission, develop Environmental Standards and Guidelines shall be developed** in accordance with regulations 94 and 95 and shall include, *inter alia*, the following subject matters **aimed at ensuring a Contractor does not cause Serious Harm to the Marine Environment**:

(c) **Mitigation measures of harmful effects to the marine environment, Mitigation measures Prevention, reduction and control measures and/or remediation of environmental harm, and/or where possible, remediation or compensation of environmental harm, thereby following the mitigation hierarchy of avoid, minimize, remediate.**

2. **The Authority shall not approve any Exploitation activities unless the necessary environmental Standards and Guidelines have been adopted. Standards shall be regularly revised in response to advancements in scientific knowledge and experience.**

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

Para 1: The reference to ensuring that the Contractor does not cause Serious Harm is new and can be deleted – standards and guidelines will cover issues that will have different thresholds of protection that might be needed

As noted by others, we would support deletion of the reference to Guidelines in this para. Effective environmental protection requires legally binding standards (and not guidelines), and the below listing should be an indicative list for developing mandatory Standards and not recommendatory guidelines.

Subpara c: Our preference here would be to only keep reference to ‘Mitigation measures’, since Mitigation is already defined in the Schedule and it includes what follows.

Para 2: We strongly agree with the inclusion of paragraph 2, while noting that it will be important to provide a comprehensive list on which environmental Standards and Guidelines are deemed ‘necessary’ before an exploitation activity can be approved. We propose adding another sentence to para 2 to state that the Standards shall be regularly revised in response to advancements in scientific knowledge and experience.