

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.

2. Paragraph 1 above shall not apply if such disposal, dumping or discharge into the Marine Environment is necessary for the safety of the vessel or Installation or the safety of human life, provided that **all reasonable measures are taken to such disposal, dumping or discharge is conducted so as to all**-minimize the likelihood of **damage harm** to human life and **of prevent Serious**Harm to the Marine Environment. ~~and If Serious Harm to the Marine Environment occurs as a result of disposal, dumping or discharge, the Contractor shall monitor and Mitigate the impacts of such harm,, and if such harm has occurred, to monitor and Mitigate its impacts, and such disposal, dumping or discharge and shall be reported forthwith to the Authority a Contractor shall report any about such disposal, dumping or discharge under this paragraph to the Authority as soon as possible.~~

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

~~4.— This Regulation shall be, where applicable, interpreted and applied in a manner that is consistent with the obligations of the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matters, 1972 and the 1996 Protocol thereto., where applicable, in particular Articles 4 and 10.~~

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

Para 2: Propose deletion of the last sentence which seems repetitive of the provisions in the first sentence.

Para 3 and 4: We suggest that a disposal into the Marine Environment considered necessary for the safety of the vessel or human life is a notifiable event, and so should not be excluded from para 3. We also would be interested to consider reinstating para 4 which requires consistency in interpretation of this Regulation with the London Convention / London Protocol (LC/LP) apply. This is partly because the dumping in question may not fall within the exclusion from the LC/LP referenced in the facilitator's comment below, partly because it is important to clarify that the LC/LP should apply as usual to the operations of the vessel, and partly to future-proof the Regulations in case of amendment to the LC/LP in the future, to cover seabed mining. We also note the Facilitator's comment below that the reference to IMO rules should cover LC/LP in any event, but we are not confident that this is the case, in fact. LC/LP are standalone international treaties. While administered by the IMO, they do not constitute rules and regulations of the IMO.