

Current text in either Presidents Text or Env IWG Facilitator’s Text	Suggested text	Rationale
<p>“Closure Plan” means the document referred to in annex VIII.</p>	<p>“Closure Plan” means a document that contains an integrated environmental, social and economic base case for decommissioning, closure and post-closure activities and conditions against which future monitoring can be compared. It will be revised through the lifetime of the contract and must be considered as an integral part of operational planning.”</p>	<p>Annex VIII does not provide a definition of what a closure plan should be, rather outlining its roles and functions. As such we believe a definition should be included here. We suggest a draft definition, for further discussion by the Council</p>
<p><u>Ecological Balance of the Marine Environment</u></p>		<p>We do not see the need for this to be a defined term in the schedule. However, should it be retained per the will of the majority of the Council, we note that the OECD already has a definition of ecological balance which should be used for consistency and streamlining. It is as follows:</p> <p><i>“The ecological balance is the equilibrium between, and harmonious coexistence of, organisms and their environment.”</i></p>
<p>P: “Environmental Effect” means any consequences in the Marine Environment arising from the conduct of Exploitation activities, <u>[whether]</u> <u>[being]</u> positive, <u>[negative]</u>, direct, indirect, temporary or permanent, or <u>Ce</u> umulative <u>environmental</u> effect arising over time or in combination with other <u>[mining impacts]</u> <u>[effects or impacts]</u> <u>[stressors and activities in the same area, including those not regulated by the Authority]</u>.</p> <p>E: “Environmental Effect” means any consequences in the Marine Environment arising from the conduct of Exploitation activities, whether positive, negative, direct, indirect, temporary or permanent.</p>	<p>“Environmental Effect” means any consequences in the Marine Environment arising from the conduct of Exploitation activities, <u>[whether]</u> <u>[being]</u> positive, negative, direct, indirect, temporary or permanent.</p>	<p>We support the definition included in the Facilitator’s Text from the Environment Working Group, in particular as it contains both negative and positive consequences. We note that cumulative effect has now been included as a standalone definition.</p>
<p><u>["Environmental Management System"]</u> <u>[means]</u></p> <p><u>[Alt. 1 that part of the overall management system applied by a</u></p>	<p>“Environmental Management System” means that part of the overall management system applied by a Contractor that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for</p>	<p>The two alternatives are very similar, and we see value in each. As such we support combining them.</p>

<p><u>Contractor that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining environmental policy, goals and environmental performance.]</u></p> <p><u>[Alt. 2 means that the part of the overall management system applied implemented by a Contractor that includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining environmental policy, goals objectives and environmental performance.]</u></p>	<p>developing, implementing, achieving, reviewing and maintaining environmental policy, goals, objectives and environmental performance.</p>	
<p><u>“Environmental Objectives” means [...]</u></p>	<p>“Environmental Objectives” means a specific statement of desired environmental outcomes that represent the achievement of a Goal.”</p>	<p>We suggest using the established definition provided by UNESCO’s Intergovernmental Oceanographic Commission.</p>
<p><u>[“Environmental Risk” means the chance of something happening that will have an adverse effect measured in terms of the environmental consequences and the likelihood of those particular consequences occurring.]</u></p>	<p>[“Environmental Risk” means the potential of an event happening that will have an adverse effect measured in terms of the severity of the environmental consequences and the likelihood of those particular consequences occurring.</p>	<p>We suggest some minor amendments to better convey this definition.</p>
<p><u>[“Facilities-maritime infrastructure-floating platforms” means] [...]</u></p>	<p><u>[“Facilities-maritime infrastructure-floating platforms” means] [...]</u></p>	<p>We do not think that this is a term that should be defined here. Types of facilities expected to be used will be highlighted in Guidelines, Annual Reports and EISs.</p>
<p><u>“Guidelines” means documents that provide guidance on technical and administrative matters, issued by the [Authority] [Commission and the Secretary-General, respectively] pursuant to regulation 95. [Guidelines have to be considered as recommendatory].</u></p>	<p><u>“Guidelines” means documents that provide support on the implementation of the Regulations on technical and administrative matters, issued by the [Commission and the Secretary-General, respectively]. Guidelines will also clarify documentation requirements for an application, detail process requirements (e.g. for the public consultation process, annual reporting and periodic review), and provide guidance on the</u></p>	<p>We note that there is a working definition for Guidelines in DR95:</p> <p><i>“Guidelines will support the implementation of the Regulations from an administrative and technical perspective. Guidelines will also clarify documentation requirements for an application, detail process requirements (e.g. for the public consultation process, annual reporting and periodic review), and provide guidance on the interpretation of regulatory provisions. [The guidelines are only of a recommendatory nature ...]”</i></p>

	interpretation of regulatory provisions. [Guidelines are generally considered as recommendatory].	We have combined some of this wording with the original definition in the Schedule.
["Interference with the Ecological Balance of the Marine Environment" means [...]		We do not think that this is a term that should be defined here. Interference with the Ecological Balance of the Marine Environment could take many forms, which cannot fully elaborated in a definition. This could better be included in a Guideline.
"Mining Discharge" means any sediment, waste or other effluent directly resulting from Exploitation, including shipboard or Installation processing immediately above a mine site of Minerals recovered from that mine site.	"Mining Discharge" means any sediment, waste or other effluent directly resulting from Exploitation, including shipboard or Installation processing immediately above a mine site of Minerals recovered from that mine site, and includes but is not limited to, disposal, spilling, leaking, pumping, emitting, emptying, or discharging.	To align with MARPOL's definition of discharge, we propose to add context around potential methods of discharge.
<p>"Mitigate" and "Mitigation" includes:</p> <p>(a) Avoiding an effect altogether by undertaking or not undertaking a certain activity or parts of an activity;</p> <p>(b) Minimizing effects by limiting the degree or magnitude of the activity and its implementation [to the extent practicable and necessary to ensure protection of the Marine Environment];</p> <p>(c) Rectifying the effect by repairing, rehabilitating or restoring the affected Marine Environment; and</p> <p>(d) Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the mining activity.</p>	<p>"Mitigate" and "Mitigation" means acting / an action or activity intended to remedy, reduce [, or offset] known potential negative impacts to the environment. These occur in a strict hierarchy:</p> <p>(a) Avoiding an effect altogether by undertaking or not undertaking a certain activity or parts of an activity;</p> <p>(b) Minimizing effects by limiting the degree or magnitude of the activity and its implementation</p> <p>(c) Restoring Marine Environment through repairing, rehabilitating or recovery"; and</p> <p>(d) Offsetting, only as a last resort, and in agreement with external decision-makers where possible.</p>	<p>The wording used here currently forms a definition for the mitigation hierarchy more than mitigate or mitigation. While we also believe that mitigation hierarchy needs defining, maybe the definitions could be combined.</p> <p>We note prior discussions in the Environmental Informal Working Group regarding standardisation of terminology around mitigation, and also concerning 'offsetting' (sub para (d)) and welcome discussion on this sub-para's inclusion.</p>
["Protection" means] [...]	Protection means any action or activity designed to reduce or prevent pollution, negative	We propose a definition to initiate discussions. This comes from: environmental protection Definition Law Insider

	environmental impacts or other damage to environment, land, ecosystems or natural resources by human activities, including to mitigate climate change, to reduce the risk of such damage, to protect and restore biodiversity or to lead to more efficient use of natural resources, including energy-saving measures and the use of renewable sources of energy and other techniques to reduce greenhouse gas emissions and other pollutants, as well as to shift to circular economy models to reduce the use of primary materials and increase efficiencies. It also covers actions that reinforce adaptive capacity and minimise vulnerability to climate impacts.	
["Preservation" means] [...]	Preservation means the maintenance of the environment, lands and natural resources in a pristine form, without anthropogenic use beyond access.	We propose this definition to initiate discussions.
["Rehabilitation" means] [...]	Rehabilitation occurs when an ecosystem recovers certain characteristics of, or resemblance to, its natural state, such as the presence of certain species, functions or services, without necessarily aiming at exhaustiveness.	We propose this definition to initiate discussions.
["Restoration" means] [...]	A return to pre-disturbance conditions, implying complete re-creation of a system.	We propose this definition to initiate discussions.
"Standards" means such technical and other standards and protocols, including performance and process requirements, adopted pursuant to regulation 94. <u>[Standards have to be considered as mandatory.]</u>	"Standards" means <u>methodological, procedural, technical or environmental rules that are necessary to implement the regulations and to ensure a coherent approach to monitoring and assessment</u> , including performance and process requirements, adopted pursuant to regulation 94. Standards are legally binding on Contractors and the Authority.	We note that there is a working definition for Standards in DR94: <i>"Standards shall be methodological, procedural, technical and environmental rules that are necessary to implement the regulations and to ensure a coherent approach to monitoring and assessment, as referred to in Regulation 45. Standards are legally binding on Contractors and the Authority"</i> We propose a text that combines wording from DR94 and the current definition in the Schedule.