

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

1. Name of Working Group:

IWG ENV

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

Federal Republic of Germany

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

DR 50

Red bold text indicate Germany's textual proposals

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 50

Restriction on Mining Discharges

1. A Contractor shall not dispose, dump or discharge into the Marine Environment any Mining Discharge, except where such disposal, dumping or discharge is permitted in accordance with:

(a) The assessment framework for Mining Discharges as set out in the Standard;

(b) The Environmental Management and Monitoring Plan; and

(c) International [agreed] [applicable] rules, standards and recommended practices and procedures. ~~regulations set out by the International Maritime Organization.~~

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 such disposal, dumping or discharge is conducted so as to **prevent all minimize the likelihood possibility** harm to **human life and to** ~~human life and prevent Harm to~~ the Marine Environment. If ~~Serious~~ Harm to the Marine

Environment occurs as a result of disposal, dumping or discharge, the Contractor shall monitor, ~~and~~ Mitigate ~~and remediate~~ **and manage** the impacts of such harm, and shall report forthwith about such disposal, dumping or discharge to the Authority. **This constitutes a Notifiable Event under regulation 34 and Appendix 1.**

~~2. Alt. 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 such disposal, dumping or discharge is conducted so as to minimize the likelihood of harm to human life and prevent Harm to the Marine Environment.~~

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

4. The applicant or contractor must also keep a register of discharges to updated **immediately after any discharge event.**

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

- We thank the facilitator for the further improvements made in this regulation.
- We prefer the original Para 2 to the new Para 2 alt as it is more specific, especially providing for how to react when harm to the environment was caused.
- In Paragraph 2 we did not understand the deletion of “human life” and propose to reinstate this wording so it could read “harm to human life and to the marine environment”
- Further down in Paragraph 2 we suggest the replacement of “remediate” by “manage”, in order to broaden the meaning.
- We also consider that a disposal into the Marine Environment (even if due to emergency circumstances), would still be a Notifiable Event. Like other parties, we suggest that is explicitly stated, e.g. by stating at the end of paragraph 2 “*This constitutes a Notifiable Event under regulation 34 and Appendix 1.*”.
- In Paragraph 4, we were in favour of the previous draft where it was provided for registering discharges on a weekly basis, “*allowing it to be consulted in real time*”. However, having noted the suggestion made by the facilitator to refer to the register being updated “immediately, after a discharge event” this appears most reasonable to us.