

**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.

1. Name of Working Group:

Protection and Preservation of the Marine Environment

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.

DR 51

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.

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

1. A Contractor shall, in accordance with these regulations, implement and adhere to its Environmental Management and Monitoring Plan ~~and these regulations,~~ and shall:
 1. Monitor continuously ~~in accordance with the applicable Standard, on Environmental Monitoring release—~~ and ~~submit environmental~~ monitoring data [publicly], ~~in accordance with regulation 46terbis, paragraph 4~~ at least on a monthly basis in an accessible format consistent with best scientific practice, ~~in real where possible or at monthly intervals on a monthly basis~~ and report annually under regulation 38 (2) (g) on the Environmental Effects of its activities on the Marine Environment in accordance with the applicable Standards, and taking into account relevant Guidelines, ~~including a comparison between baseline data and monitoring data, as well as a comparison between baseline data and threshold values,~~ to document the actual effects on the Marine Environment and manage all such effects as an integral part of its Exploitation activities as set out in the relevant Standards and taking into account the relevant Guidelines referred to in regulation 45;
 2. ~~Apply best endeavours to improve~~ **Implement all applicable** mitigation and management measures to ensure the effective protection of the Marine Environment from harmful effects, as set out in the **[relevant]** Standards, ~~inter alia those referred to in regulation 45,~~ and taking into account **relevant** Guidelines ~~referred to in regulation 45;~~ and
 3. Monitor compliance with, assess, and maintain the currency and adequacy of the Environmental Management and Monitoring Plan and **its** Environmental Management System during the term of its exploitation contract including through management review under regulation 46,

performance assessment under regulation 52, and with modification to the Plan of Work under regulation 57 where required

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

DR 51 Para 1 (a) and DRs 46 bis and 46ter state monitoring obligations - to avoid duplication, we recommend leaving it here and having 46 bis and ter reference this provision.

We also consider that some indication of frequency of the release of environmental monitoring data is needed and would consider on a monthly basis to be a minimal requirement (though higher frequency for specific indicators can also be agreed in the EMMP, or specified in the Standards from time to time).

In addition, while we agree with the intent behind the last few lines of the sub-paragraph which concerns the need to validate EIA predictions, we believe a reference to regulation 38(2)(g) is sufficient here but with an additional reference to Standards and Guidelines. If that is done, then any additional information that is required could be inserted into regulation 38 or the applicable subsidiary instrument, and the final 5 or so lines of paragraph 1(a) could be deleted.