

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART III**

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 Environment

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

The Kingdom of the Netherlands and Ireland

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

DR45(2)(f) Development of Environmental Standards and Guidelines

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 is the original text. Blue represents our suggestions.

(f) [Minimum] technical ~~and operational~~ requirements for environmental protection with regard to [all] the equipment, operational procedures and processes used for the Exploitation activities, including criteria for the assessment methodology to be used

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

In 2017, the Netherlands submitted a paper on the development of an assessment methodology and approval process for environmentally responsible mining technologies (ISBA/23/C/5). In Council Decision ISBA/23/C/18, the Council formally requested the Commission to consider, as appropriate, the submission by the Netherlands entitled “Development of environmentally responsible mining technologies: towards an approval process for mining equipment”, in the context of its work on the draft regulations.

The paper proposes to develop an approach for the assessment of mining technologies that could facilitate the application of future innovative technological developments. Current available technologies for exploitation are expected to exert different pressures on the ecosystem that may lead to various types of environmental impacts on the marine ecosystem. Future technological developments are not only needed to reduce such impacts but are also expected as innovations continue. A question that arises concerns how exploitation activities and the use of equipment to conduct exploitation will be assessed in relation to their impact on the marine environment. With regard to the impacts of equipment and how they are applied, the obligation to use the latest technical developments needs to be incorporated in the regulations. The objective of the paper as submitted by the Netherlands in 2017 and of this proposal is to develop an assessment methodology for equipment, operational procedures and processes used in deep sea mining exploitation, and a subsequent approval process.

This textual submission establishes a legal ground for the LTC to operationalize the idea proposed in the paper. It provides the LTC with the power to create, as appropriate, minimal technical requirements for the equipment, operational procedures and processes used for the exploitation activities, including criteria for the assessment methodology used. These technical requirements and the subsequent assessment methodology will enable the LTC to assess the equipment in relation to its environmental impact.

This suggestion is in line with the aforementioned paper from 2017 and the Council decision, but also with UNCLOS, Annex III, Article 4(2), which requires that qualification standards of applicants “shall relate to the financial and technical capabilities of the applicant and his performance under any previous contracts with the Authority.”