

**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.

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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.

- **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 develop, implement and maintain an Environmental Management System, [**with the purpose of preserving and protecting the Marine Environment from the impacts of the activities in the Area**] in compliance with the [~~Convention, the Agreement, and the Rules of the Authority.~~] **Standards and** taking account of the **relevant** Guidelines and in accordance with [~~Best Available Science and Scientific Information~~] [**Best Environmental Practices, and**] Good Industry Practice and internationally recognized standards.
2. An Environmental Management System shall, inter alia:
 - a. Deliver the Authority's environmental objectives in the Contract area including those reflected in the applicant's Environmental Management and Monitoring Plan, and **taking into** the applicable Regional Environmental Management Plan as well as any additional objectives as set by the Contractor or Sponsoring State.
 - b. Be reviewed [**to reflect the development of the Rules of the Authority**] and undergo [~~periodical~~] [**annual**] audits by an independent recognized and accredited international or national organization, in accordance with applicable Standards and Guideline, ~~the Convention, the Agreement, and other relevant international law;~~ and
 - c. Facilitate effective reporting to the Authority in connection with environmental performance, pursuant to Regulations 33, 34, 38, 39, and 52.
[(d) Include the results of the audit, and any in the Contractor's annual reports and the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.]

3. All changes made to a Contractor's Environmental Management System, ~~for example resulting from reviews and audits, [or any development of the Rules of the Authority]~~, shall be reflected in the Contractor's annual reports and in the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52. A proposed ~~material~~ change to a Contractor's Environmental Management System shall be treated the same as a modification of a Plan of Work, pursuant to Regulation 57.

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

A small drafting point in paragraphs (1) and (2), we should avoid language that suggests that the Convention or the 1994 Agreement specifically requires development of an Environmental Management System. The paragraphs should reference the Rules of the Authority (which includes Standards) and then direct the contract to take into account the relevant Guidelines.

Para 2(d) seems to be duplicative of paras 2(b) and 2(c) and para 3 and so would suggest deleting it. We fully support that the EMS audit reports should be covered in the annual report and taken into account in the performance assessment of the Environmental Management and Monitoring Plan. But, would support the suggestion from South African on behalf of the African Group that suggest this be covered in the respective draft Regulations 38 and 52 pertaining to annual reports and performance assessment of the EMMP, rather than here.

In paragraph 3, we support Costa Rica's recommendation on the floor to delete deleting 'material' as any proposed change to a Plan of Work should follow the process under regulation 57.