

**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 49

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**.

Regulation 49 alt

A Contractor shall take all the necessary and appropriate measures to protect and preserve the Marine Environment and coastlines by preventing, reducing and controlling pollution and other hazards, including marine litter, greenhouse gas emission, and underwater noise, from its activities in the Area. This is to be done in accordance with its Environmental Management and Monitoring Plan and all relevant Rules of the Authority, the relevant applicable Regional Environmental Management Plan, taking account of the applicable Guidelines.

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

We support the alternative proposal but suggest alignment with DR44 to avoid any duplication or inconsistency. Where the Regulations require specific issues to be managed by the EMMP - for example here on litter and underwater noise - then this needs to be cross-checked to ensure it’s included also in the requirements for the EIA, EIS and EMMP. Alternatively it could be included in the EMMP requirements, and removed from this regulation, to take into account the comments from some delegations who do not wish to see specific items listed in this way.

We also wish to recommend that greenhouse gas emissions are included here, or in the EMMP template. As currently drafted, the regulations do not provide any limits or rules pertaining to greenhouse gas emissions. This seems a terrible oversight given the climate crisis in which we find ourselves, and the commitments all States here have made to reduce and control emissions in other forums. It is our understanding that emissions from deep-sea mining operations are not controlled by IMO treaties, or by the UNFCCC, so we urge the ISA to step up, and take leadership in setting clear rules in this regard, via the Regulations.

We also find ourselves unclear how DR 49 inter-relates with the pollution regime that covers usual shipping operations, rather than mining activities. For the avoidance of doubt, we would recommend that DR49 includes wording to require the Contractor only to use vessels that are registered with States who have ratified the MARPOL IMO Convention on prevention of marine pollution from ships, and also the London Convention and London Protocol on the prevention of dumping of waste from ships. Otherwise there may be a loophole where the waste and pollution from the mining activity is prohibited in the ISA's regulations, but the waste and pollution from the shipping operation is not. This also answers the point raised by you Madam Facilitator in your comment box to another regulation, that not all ISA member States may be parties to those Conventions. We urge the ISA to take the simple step in these regulations to require that vessels used in Exploitation in the Area must be subject to flag State controls that implement the anti-pollution treaties of the IMO.