

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS

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1. Name of Working Group:

Protection and Preservation of the Marine Environment

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

Federative Republic of Brazil

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

Regulation 53ter – Restriction on Mining Discharges

[Regulation 53ter] (previously Regulation 50) [IWG ENV] 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 [applicable] Standard; (b) The Environmental Management and Monitoring Plan; and (c) [Relevant internationally agreed rules, standards and recommended practices and procedures, [as set out in the applicable Standard] [and established by the International Maritime Organization].] [(c) Alt. These Regulations.]

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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.

~~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 [applicable] Standard;~~

~~(b) The Environmental Management and Monitoring Plan; and~~

~~(c) [Relevant internationally agreed rules, standards and recommended practices and procedures, [as set out in the applicable Standard] [and established by the International Maritime Organization].]~~

~~[(c) Alt. These Regulations.]~~

~~2. Paragraph 1 [Notwithstanding paragraph 1, a Contractor may make such above shall not apply if such] disposal, dumping or discharge into the Marine Environment [where it] 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/minimize the possibility of] harm to [human life and to] the Marine Environment. If Harm to the Marine~~

~~Environment occurs as a result of disposal, dumping or discharge, the Contractor shall, [upon safe working conditions being restored,] monitor, mitigate and [manage remediate] the impacts of such harm, and shall report forthwith about such disposal, dumping or discharge to the Authority. [Such disposal, dumping or discharge shall constitute a notifiable event under Regulation 34 and Appendix 1.]~~

~~[2. Alt. Paragraph 1 [notwithstanding, a Contractor may nonetheless make such a above shall not apply if such] disposal, dumping or discharge into the Marine Environment [where it] 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.]~~

~~3.2. 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, and,] both the Contractor and the sponsoring state must adopt all measures to repair and to compensate for all damages caused to marine environment.~~

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~~4. [AThe applicant or] Contractor [shall must also] keep a register of [mining] discharges, to be updated [immediately after any discharge event at least monthly,] where possible, that shall be reported annually to the Authority [under Regulation 38,] as part of the [Contractors] mandatory annual report that must be prepared throughout the operation.~~

~~[4. Alt. The applicant or Contractor must continuously monitor its Mining Discharges and maintain a register that is reported to the Authority least weekly in addition to the mandatory annual report pursuant to Regulation 38.]~~

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

The language of Draft Regulation 53ter is not unacceptable, as it normalizes assumes the that 'disposal, dumping or discharge' in the oceans, which would acceptable in extraordinary situations only, related to will be a permitted activity in safety and security of human life at sea eases of safety of the vessel or crew on board. Dumping This undermines the legislation and environmental concerns set out in UNCLOS and in other parts of the Draft Regulations. Managing unwanted waste (thus avoiding disposal in the seas) should be the responsibility of the Contractors. In this context, All dumping must be prohibited, and the Contractor must bear the costs, procedures and technologies necessary to ensure that there is no disposal in the oceans. In the event of unwanted disposal, the Contractor must be penalised rigorously (instead of being legally permitted, as provided for in draft paragraph 2).

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