

Questions raised by the intersessional working group on the environmental management and monitoring regulations for discussion Thursday 17th July 2025

Other questions from the group are found in appendix 1

1. Draft Regulation 49 (5) - Clearer definition is needed on Incident and Notifiable event.

Currently, the definition of Incident is included in the schedule, while Notifiable Event is included in Appendix I. There is some overlap between the definitions as well as a lack of clarity on both. This is a matter that is broader than Section 3, and links to the important function of these elements of the Regulations. The group requests clarity from the Council on how to proceed on this. The group would like to note that there is a tangent to IMO-regulations on Incident and would encourage a broader discussion on the relation between these regulations and the IMO regulations.

2. Regulation of 53bis - Is it intended to single out pollution as a harmful effect of an activity on the environment, and if so, is it needed in light of Regulation 49? Ref.

Regulation 53bis.

3. 53ter - Mining Discharges - Currently, this is only singling out one source of pollution, ref. 53 ter. Three options identified:

- Leave the regulations as is, and regulating some sources of pollutions in the regulations, while others would be addressed in standards;
- Regulating all sources of pollution in the Regulations; and
- Regulating all sources of pollution in Standards

4. Regulation 50 (4), 50bis (1) 50ter (3), 51 (1) and (2), and 52 (2) - Timeline of adaptive management – Currently, and changes will have to go through the process of Regulation 57. For some changes, this means that new improvements, reviews or changes will have to be made before the Contractor has been able to implement actions from previous improvements, reviews or changes.

5. Link to Closure Plan – Due to the requirement to monitor during the Closure period, should the Environmental Management and Monitoring Plan continue through Closure? This would mean that the EMMP provisions, including its review clauses, would apply to the Closure period, giving consistency to monitoring and management through the length of the contract. The Final Closure Plan would be submitted as a separate document closer to the end of commercial production, and implementation of that Plan would continue alongside the EMMP until the end of Closure. For clarity, Closure includes monitoring after the end of commercial exploitation, and until the end of the contract period, ref. the definition of “Closure” in the Schedule.

Other questions from the group to Council

- 6. What is the Environmental Monitoring Programme?**
- 7. What are the “environmental performance standards”?** E.g. Regulation 50 (2) (a) and (b) and 50bis.
- 8. What are environmental “risks”?** Note the use of “risks” related to pollution in UNCLOS in Articles 165(h), 204, as well as “risk” of serious harm to the marine environment in Articles 162 (2)(x) and 165 (l). The word “risk” is also used elsewhere in the regulations, not relating to the environmental regulation. If a definition is needed, it would need to be clarified whether we need a separate definition for environmental risk, or if we can have a more general definition that covers all “risk” mentioned in the regulations.
- 9. Will the Contractor submit raw data or processed data?** If the latter, there is currently no verification of raw data.
- 10. Definition of “Mining Discharges”.** Return water from operation may contain chemicals or particles, but it is unclear at what stage it becomes Mining Discharges.
- 11. Will the LTC, in its current format, be able to perform all the obligations tasked to it under the environmental management and monitoring regulations?** There are proposals to review data monthly or upon receipt, while the LTC is not a permanent body able to perform such tasks. The group welcomes a discussion on how the LTC will be organised for performing the tasks relating to the environmental management and monitoring relating to exploitation.