

THE PEW CHARITABLE TRUST'S COMMENTARY

***ON THE REVISED CONSOLIDATED TEXT: DRAFT REGULATIONS ON
EXPLOITATION OF MINERAL RESOURCES IN THE AREA,
DATED 29 NOVEMBER 2024 (ISBA/30/C/CRP.1)***

Key

Black font, red font, and grey text-boxes are replicated from the Draft Regulations text.

Blue font represents commentary or edits proposed by The Pew Charitable Trusts.

Regulation 50 bis

Reporting on Environmental Monitoring and Management

1. The Contractor shall report annually in writing, to the Secretary-General on the implementation and results of the Environmental Management and Monitoring Plan in accordance with Regulation 38, subparagraph 2(g).
2. The Contractor shall submit to the Secretary General environmental data and information at required intervals, to the required data integrity quality, and in the required standardized format as set out in the Environmental Management and Monitoring Plan, in accordance with the applicable Standards, and taking into account the relevant Guidelines.
3. The Secretary General shall publish the environmental data and information publicly in accordance with Regulation 92bis. The Secretary-General shall transmit annual reports to the Commission for its consideration pursuant to Article 165 of the Convention and publish them pursuant to Regulation 38(3);

In **paragraph (1)** it may be helpful to tweak the drafting to reflect more precisely that (i) the required data quality and standardized format would be set out in Standards (applicable to all Contractors), whereas (ii) the required intervals would be set out in the EMMP. This seems sensible as each project will have different types of data that may be collected and reported in different ways, and within each project there may also be other factors that influence frequency of data reporting e.g. more frequent at the beginning, or in relation to a specific indicator when an early warning indicator is reached, or when requested by the ISA inspectorate due to an Incident occurrence or a finding of concern during an inspection. We suggest the Council explicitly instructs the LTC's current intersessional expert working groups (focused on environmental thresholds) to include recommendations on such standardized formats in their work.

In **paragraph (3)**, we would delete the reference to Article 165 of UNCLOS, as annual reports are not specifically addressed under that Article. We think a reference just to DR38 works better, as that regulation covers what the LTC should do with annual reports. If it is considered helpful to cite Article 165 in the regulations as the source of the mandate for LTC's review of annual reports, then we suggest that be included in DR38, not here.