



DSCC intervention on Agenda item 12. Draft regulations Parts V-VI

21 February 2020

## **Part V**

### **Draft Regulation 57**

Paragraph 2 of this DR gives the Secretary-General a significant authority to approve a change in the contract by considering that the change may not be material. We suggest the Council should have a direct review function. The proposed revisions in the compilation document go some way to rectify this, but we believe this needs further consideration as Pew suggested, possibly through standards.

We would also add our support to the point made by Pew that it is one-sided to allow a contractor to introduce a material change but not the Authority. There may well be material changes that need to be made as a result of environmental issues that arise.

### **Draft Regulation 58**

We believe that this needs significant amendment. Firstly, the review should include independent reviews, as were provided for in earlier drafts (before the 2018 draft), including independent scientific assessment. The review should provide for publication of the review and comments from stakeholders - making public the results of the review does not suffice for this purpose.

We welcome the addition of triggers in a (bis) to also include new information relevant to the marine environment and cumulative impacts having been exceeded. We agree with FSM that cumulative impacts need to include climate change, ocean acidification and other effects rather than just direct human activities.

The review should be able to result in changes being made in the current draft, under DR 58 (3), the only result is “Where as a result of a review the Contractor wishes to make any changes to a Plan of Work.” This is in our view completely inadequate.

The result needs to be that the Secretary-General recommends changes to the Plan of Work to the LTC and Council. It is a similar point to the one we made yesterday: the ISA is the regulator and should hold the pen.

## **Part VI**

### **Draft Regulation 59**

## Closure Plan

Paragraph 2 (e) concerning any residual negative Environmental Effects should require management responses to be “implemented”, not just considered.

Provision 2 (g) requiring that the mining activities are closed or suspended efficiently, and cost effectively may encourage contractors to cut corners; cost effectiveness should not block measures needed to protect the environment. We recommend deleting “and cost effectively”. We would propose adding at the end of this point “and the removal of all non-natural equipment and material from the Area”.