

Matrix – identification of updates and elements to be considered in the standard and/or guidelines in respect of elements of the draft exploitation regulations allocated to the Informal Working Group on Protection and Preservation of the Marine Environment

Introduction:

Several participants have throughout the process of developing the Exploitation Regulations and annexes underlined that some parts entail a high level of detail that would best be placed in Standards and/or Guidelines in respect of work that have been allocated to the Informal Working Group on Protection and Preservation of the Marine Environment.

As I stated in my oral report from the last meeting ([ISBA/28/C/11/Add.1](#), Annex, I, B), I have attempted to initiate this work by making a Matrix (ISBA/28/C/IWG/ENV/CRP.5), which shows examples of which parts of different draft regulations could be moved to relevant Standard and/or Guidelines.

Several phase I Standard and Guidelines have already been drafted and have been inserted into the Matrix and can be accessed via the [ISA website](#) (ISBA/27/C/3-12). Also, I have taken the liberty of proposing that further, specific Standard and Guidelines are drafted, and these are in **red writing** in the top row of the matrix.

I must stress that this work is without any prejudice to coming and future considerations on these matters. It is merely to serve as an example of how such a Matrix could be structured and, if participants agree, could also be used as a base going forward while being continuously updated.

Therefore, the examples listed in the Matrix are just that; *examples*, and thus susceptible to changes and alterations as requested by participants. However, I will note that these examples represent careful considerations from my side, and I have also looked at statements made during our meetings.

I strongly encourage participants to submit suggestions and proposals to strengthen and clarify the Matrix.

Finally, I note that I have also stated in my comments to some Draft Regulations which parts should be moved to a draft Standard or Guideline, but not to all.

Explanation on the Layout

The draft Standard and Guidelines referred to in the Matrix – *Top Horizontal row*

As stated, Standards and Guidelines have already been drafted on certain matters and can be found on the ISA website. The draft Standards and Guidelines are on:

- *The environmental impact assessment process,*
- *The development and application of environmental management systems, and*
- *The form and calculation of an Environmental Performance Guarantee.*

Furthermore, (and also available on the website), the following draft Guidelines (but not Standards) have been prepared on:

- *The preparation of environmental impact statements,*
- *The preparation of environmental management and monitoring plans,*
- *The tools and techniques for hazard identification and risk assessments,*
- *The establishment of baseline environmental data, and*
- *The preparation and assessment of an application for the approval of a Plan of Work for exploitation.*

I have (in red writing) also proposed that further Standards and Guidelines are drafted where I could foresee a need to have these in place. These are:

- *Standard on the preparation of environmental impact statements*
- *Standard on the preparation of environmental management and monitoring plans*
- *Standard on the tools and techniques for hazard identification and risk assessments,*
- *Standard on the establishment of baseline environmental data, and*
- *Standard on the preparation and assessment of an application for the approval of a Plan of Work for exploitation.*
- *Standard and Guideline on environmental threshold values, and*

All the above-mentioned Standards and Guidelines are inserted on the top horizontal row of the Matrix.

All Regulations listed – *First left column*

All Draft Regulations, including annexes, which have been the focus of work of this Informal Working Group have been listed.

While there are no proposed changes (i.e. parts moved to Standards or Guidelines) to all Regulations, I did find it relevant to list all to ensure overview and allow participants to better add and change in the document going forward.

All Draft Regulations, including annexes, are listed in the first left column of the document of the Matrix.

Overview of proposed relocation for each Regulation – *Second left column*

To provide for better overview, the second column (from the left) states which parts of each Regulation are proposed to be moved. Furthermore, The Regulations which don't have any proposed changes to them have a reference to this in *Italic* and in [square brackets].

The cells which are **written in Red** entail suggestions to move provisions to a Standard or Guideline not yet developed.

Overview of all proposed movements (incl. non-movement) for all Draft Regulations and annexes, are listed in the second left column.

The (parts of) Regulations proposed to be moved – *Reading the document*

I have written the legal references to the parts of a Regulation which I believe should be moved in the cell where the applicable row (entailing the Draft Regulation) and the applicable column (entailing the Standard or Guideline) meet.

Explanatory example: Moving Reg. 52, paragraph 1 litra a – g ter to section III.F in EMMP Guideline.

I believe, also following the discussions from our meetings, that there could be merit in suggesting that litra a – g ter in paragraph 1 of Regulation 52 (on “Review of the Performance assessments of the Environmental Management and Monitoring Plan”) are moved to section III.F in the Draft Guideline on “*The preparation of environmental management and monitoring plans*”.

The reason for this is that the regulation (litra a – g ter) entails a high level of detail regarding the Contractor performing an assessment of the EMMP, which makes the Regulation less clear and difficult to read, thus making it eligible for being moved. Section III.F of the

EMMP-Guideline already entails information on the contractors planning of the performance assessments wherefore it would be relevant to place the moved part of the Regulation.

This is proposed in the accompanying Matrix by – in cell no: **O23** – stating that:

“Reg. 52 Para 1 litra a - g (ter)
moved to section III. F.”