



**Seabed Minerals Authority**  
Runanga Takere Moana  
COOK ISLANDS



**NATIONAL ENVIRONMENT SERVICE**  
TU'ANGA TAPOROPORO  
COOK ISLANDS

A decorative graphic at the bottom of the logo consists of a light blue wave-like shape with a small green mountain peak on top.

## **G08: Environmental Management Systems**

## Table of Contents

1	Purpose .....	2
2	Legislative context.....	2
3	Scope.....	3
4	Environmental Management System.....	3
5	Version Control.....	4
6	Annex A: Structure and Summary Content of an EMS.....	5

### 1 Purpose

A key function of the Seabed Minerals Authority (**Authority**) is to regulate seabed minerals activities in the Cook Islands jurisdiction through monitoring the performance of title holders and taking enforcement action as required under the Seabed Minerals Act 2019 (**SBM Act**). A key function of the National Environment Service (**Service**) is to permit or consent to activities after passing environmental impact assessment and review as required by the Environmental Act 2003 (**Environment Act**).

This guideline is to assist licence holders and other stakeholders with the content of an environmental management system (**EMS**) which is required for mining or minerals harvesting under the Environment (Seabed Minerals Activities) Regulations 2023 (**Environment Regulations**).

This Guideline should be read in conjunction with the Authority's and Service's publication, "*Information Note: An Operating Framework for Standards and Guidelines relating to Seabed Minerals Activities.*"

### 2 Legislative context

This Guidelines is issued by the Authority and the Service pursuant to section 11(e) of the SBM Act: Functions of Authority, section 13A of the SBM Act: Authority may issue standards and guidelines; Part 9 of the Environment Regulations: Standards and guidelines to assist licence holders with meeting obligations in relation to:

- a) Part 5 of the Environment Act 2003: *Environment Impact Assessment*
- b) Part 5, Schedule 1 (g): *General Duties of licence holders*

The contents of this document are for guidance only, and do not constitute formal legal requirements. Licence Holders remain subject to the applicable legal requirements under the SBM Act, Exploration Regulations, Licence conditions, Environment Act and Environment Regulations.

If a Licence Holder chooses not to follow any particular part of this Guideline, the Authority or Service may request an adequate written explanation as to why this is the case, to help assess whether the statutory requirements have been met.

Any information the Licence Holder supplies to the Authority will be managed in accordance with section 17 and 18 of the SBM Act

### 3 Scope

This guideline applies to all Licence Holders and their affiliates conducting mining or minerals harvesting activities within the Cook Islands Exclusive Economic Zone or Continental Shelf under a mining licence granted by the Cook Islands Government. The Environmental Management and Monitoring Plan (EMMP) needs to include a summary of the Environmental Management System (EMS), however the EMMP is also a part of the EMS. Additionally, a preliminary EMMP is necessary for the Environmental Impact Statement (EIS) that is one requirement to get an environmental permit for Tier 3 Activities.

### 4 Environmental Management System

The EMS is defined in Environment Regulations. The EMS is part of an overall management system to manage a mining or minerals harvesting operation.

An EMS must be maintained in accordance with the definition within Environment Regulations, as well as the standard and roles mentioned in Schedule 1 (g), Schedule 8 (2) (i) and (m).

An EMS may be structured and managed per the more detailed guidance in Annex A.

### 5 Other references

None

**Disclaimer:** This document, developed by the Seabed Minerals Authority, does not replace or amend the requirements of the Seabed Minerals Act 2019, Environment Act 2003 and associated regulations, and exploration licence obligations which should be read in conjunction with the Guideline.

It is made available on the understanding that the Cook Islands Government is not thereby engaged in rendering legal or other professional advice. Before relying on this material in any important matter, users should carefully evaluate its accuracy, currency, completeness and relevance for their purposes, and obtain appropriate legal or other professional advice relevant to their particular circumstances.

It is anticipated the Guideline will be amended from time to time. The most up-to-date version of the Guideline is available at [www.sbma.gov.ck](http://www.sbma.gov.ck).

## 6 Version Control

Version	Date
Version 1	12 April 2024

## 7 Annex A: Structure and Summary Content of an EMS

This borrows, summarises and restructures from ISBA/27/C/7 and ISBA/27/C/6.

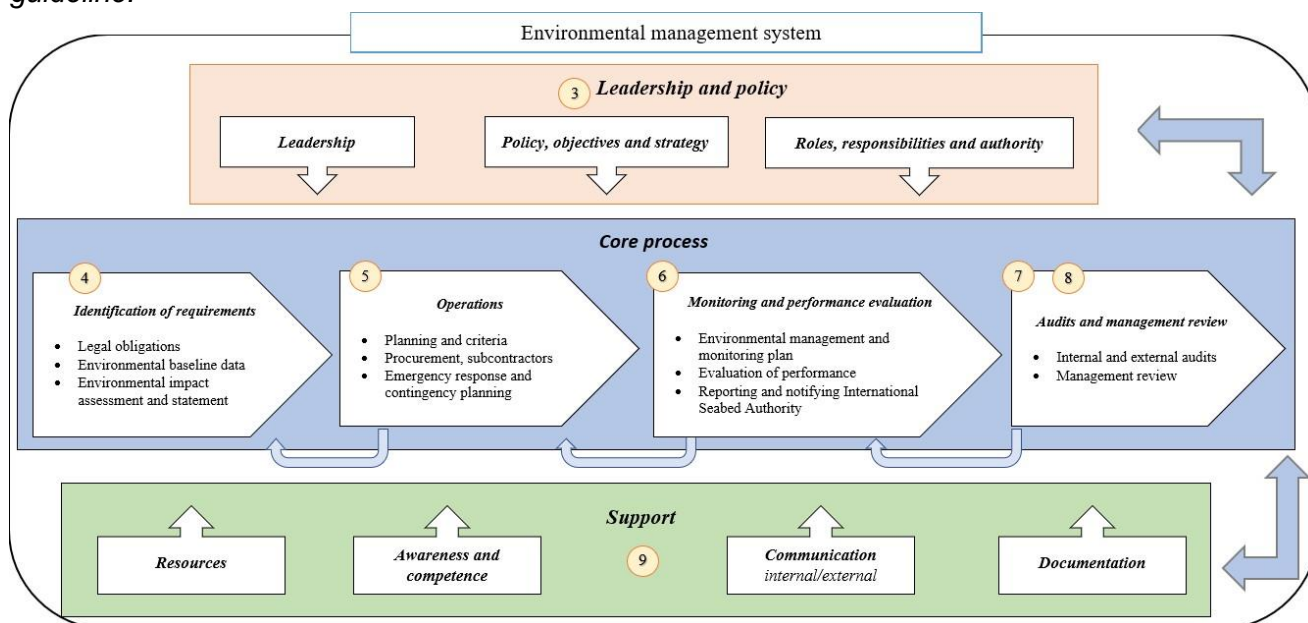
### 7.1 Introduction

Describe the development and application of an environmental management system, and how it fits within overall management system, EMMP etc.

Use of annexes will likely make the EMS easier to adapt and update.

### 7.2 Purpose and scope

Describe the framing elements of the EMS, e.g. as shown below and per the structure of this guideline.



Main elements of an EMS. Note: The numbers refer to the sub-sections in these Guidelines.

### 7.3 Leadership and policy

#### 7.3.1 Leadership

A leadership statement to reinforce accountability, this may include:

- Ensuring that environmental policy, objectives, strategies, plans and relevant guidelines are established and implemented;
- Ensuring that sufficient resources are available to support and implement the system;
- Communicating to the licence holder's personnel and subcontractors the importance of effective environmental management and of compliance with the system;

- *Ensuring that the system achieves its intended outcomes;*
- *Promoting continual improvements;*
- *Conducting regular management reviews;*
- *Supporting other relevant management roles in demonstrating their environmental management leadership as it applies to their areas of responsibility.*

### 7.3.2 Policy, objectives and strategy

*These may include:*

***Environmental policy:*** *Establish, implement, maintain and communicate an environmental policy.*

***Environmental objectives that are:***

- *Assigned and communicated to relevant functions and levels in the organization including sub-contractors.*
- *Fit for purpose.*
- *Conform with the rules, regulations, procedures and Standards of the Authority and Service.*
- *Specific, measurable, achievable, realistic, and time-bound (SMART).*
- *Based on the best available scientific evidence.*
- *Monitored in a standardized manner as documented in the Environmental Management and Monitoring Plan (EMMP).*
- *Referred to when reporting the outcomes of monitoring undertaken in accordance with the EMMP.*
- *Updated as and when required (typically as a result of the outcome of audits or management reviews).*

*Note that the environmental objectives may include short-term, medium-term, and long-term objectives.*

***Strategy:*** *describing how to achieve the environmental objectives. With a plan which describes:*

- *What needs to be done (lines of action);*
- *Where this needs to be done;*
- *What resources will be required;*
- *Who will be responsible;*
- *When the actions will be completed (deadlines);*
- *How the results, including monitoring indicators, will be evaluated, including time frames and external audits;*
- *How and when the strategy will be adapted according to the monitoring data collected;*
- *What individual and detailed contingency assessments and management measures will be taken to remedy or mitigate potential impacts of the activities;*
- *How the results will be communicated.*

### 7.3.3 Roles, responsibilities, and authorities

*Assigns responsibilities and authorities for relevant roles throughout the organization.*

*May include empowered roles to ensure:*

- *that the EMS conforms with legal requirements;*
- *timely reporting to senior management on the performance of the system, including environmental performance;*
- *timely reporting to the Authority and Service.*

## 7.4 Identification of requirements

### 7.4.1 Legal requirements

*List and summary of current national and international legal requirements and other obligations, rules and standards applicable to the operation.*

*Specific mention of any key issues based on EIS/EMMP.*

### 7.4.2 Environmental baseline data

*Status of baseline data against requirements in law and per agreed EMMP, work programme(s), and links or references to the data.*

### 7.4.3 Environmental impact assessment and environmental impact statement

*Links to the EIS.*

*A summary of relevant EIS findings against the requirements.*

## 7.5 Operations

### 7.5.1 Operational planning and control

*Refer to G09 Guideline for Environmental Management and Monitoring Plans.*

### 7.5.2 Emergency response and contingency plan

*Link to the operational emergency response plan.*

*Summary of key environmental components of that plan.*

### 7.5.3 Notifiable Events

*Link to general incident reporting system and incident reports to date.*

*Processing of environmental incident reports including analysis and summary reports of any trends.*

#### 7.5.4 Procurement and subcontractor management

*Information as how back-to-back agreements will work with regards to environmental matters including requirements regarding bridging documents.*

### 7.6 Monitoring and performance evaluation

*It is expected that the EMS will be structured and operated in line with good industry practice. Compliance might be measured against specific possible international standards (for example ISO 14000 series). Certification against these standards might be sought by the licence holder.*

#### 7.6.1 Environmental management and monitoring plan

*The EMMP can lie within the EMS in this section. Guidance and requirements for EMMPs comprises G09: Environmental Management and Monitoring Plan.*

*As the EMMP is likely to be very comprehensive, it may prove best to simply refer to it or have it as an annex and have the executive summary and table of contents repeated here.*

#### 7.6.2 Evaluation of performance

*The results of the monitoring activities are evaluated in accordance with the criteria, method and frequency defined in the environmental management and monitoring plan. The evaluation may assess the results against the following:*

- *Operational criteria;*
- *Environmental objectives;*
- *Legal requirements including standards and guidelines;*
- *Good industry practice;*

*Medium- and long-term trends in monitoring data are evaluated against the environmental objectives annually and reported accordingly.*

*Performance assessments are also to be done against EMMP itself.*

*Records of any the corrective action need to be kept, including evidence showing how the corrective action has resulted in the desired outcome.*

*This section can also include links to the results of ongoing performance evaluation.*

#### 7.6.3 Reporting to and notifying Authority and Service

*Summary of routine environmental inputs into statutory reporting including annual reporting.*



Specifically:

- *Parameters to report;*
- *Format of reporting;*
- *Method of reporting;*
- *When to report.*

*Link to above section on notifiable events.*

#### 7.6.4 Audits

*Audit criteria will consist of the environmental objectives and criteria developed under the environmental management system and documented in the environmental management and monitoring plan.*

*Generally, audits can be carried out as first-party audits, second-party audits, and third-party audits:*

- *First-party audits are internal audits carried out by, and within, the Licence Holder's organisation;*
- *Second-party audits are external audits carried out by the Licence Holder, auditing its subcontractors and suppliers;*
- *Third-party audits are external audits carried out by Authority, Service, or a certification body, auditing the Licence Holder.*

*Audits of the EMS may follow a good industry practice standard such as ISO 14011. Results are expected to reported directly to the Authority and Service.*

*The Licence Holder/applicant will prepare an annual programme for conducting first and second party audits of respective parts of the environmental management system. The programme being based on a risk-based approach.*

*Audits can, among other requirements, cover the following tasks:*

- *Annual audit programme (when and who prepares and approves the programme), risk-based approach;*
- *Competence requirements of auditors;*
- *Notification, planning of each specific audit;*
- *Setting up an audit plan;*
- *Templates for notification, and audit report;*
- *Following up the audits;*
- *Reporting on the results of the audit to the Authority and Service.*

#### 7.6.5 Environmental management system review

*The organization's environmental management system will be reviewed at suitably regular intervals, including the adaptive management techniques (process, procedure, and response).*

*To ensure the EMS's continued suitability, adequacy and effectiveness for the seabed mining or minerals harvesting operation the input to the management review may include:*

- *Status of actions from previous management reviews;*
- *Changes in:*
  - *External and internal issues relating to the seabed mining or minerals harvesting operation that are relevant for the Licence Holder or the EMS or both;*
  - *Licence Holder's obligations;*
  - *Key environmental issues as defined in relation to the EIA/EIS;*
  - *Extent to which environmental objectives have been achieved;*
- *Information on the Licence Holder's environmental performance, including positive or negative trends in:*
  - *Nonconformity and corrective actions;*
  - *Monitoring and measurement results;*
  - *Audit results;*
  - *Adequacy of resources;*
- *Relevant communications with the Authority, Service or other stakeholders;*
- *Opportunities for continual improvement.*

*The output of the management review may include:*

- *Conclusions on the continuing suitability, adequacy and effectiveness of the environmental management system for the seabed mining or minerals harvesting operation;*
- *Decisions related to continual improvement opportunities;*
- *Decisions related to any need for changes to the environmental management system, including resources, policy and strategy;*
- *Actions, if needed, when environmental objectives have not been achieved;*
- *Any further recommendations for improvements, including the necessary means to achieve them;*
- *Planning of the next management review.*

*The Licence Holder will retain documented information as evidence of the management review.*

## **7.7 Support**

### **7.7.1 Resources**

*Summary of the resources assigned to implement the EMS. Includes people with relevant competence, equipment, funding, and available time.*

### **7.7.2 Awareness and competence**

*A summary and process to ensure knowledge and understanding among relevant personnel of:*

- *Relevant policies and procedures;*

- *Environmental aspects related to their functions;*
- *Key elements of the EMS.*

*Confirmation of assignment of appropriate duties to personnel by, as relevant:*

- *Identifying the competence profile needed for individual positions and functions;*
- *Identifying the current competence among relevant personnel;*
- *Identifying gaps in competence for relevant personnel;*
- *Preparing a competence plan for relevant personnel and providing the necessary regular and continuous training.*

### 7.7.3 Communications

*Layout of processes needed for internal and external communications relevant to the EMS, including as relevant and at the relevant level of detail:*

- *The issues to be communicated;*
- *When to communicate;*
- *With whom to communicate;*
- *How to communicate;*
- *How promptly responses are needed by;*
- *Documentation of communiques.*

### 7.7.4 Management system documentation

*Outline of the part of the document management system relevant to the EMS, including summary requirements and links to any specific standards and templates. May include details on:*

- *Database and/or data repository for documents*
- *Identification and description (e.g. a title, date, author or reference number) for both internal and externally sourced documents;*
- *Format (covering such aspects as language, software version, graphics and others) and media (whether in hard copy or electronic);*
- *Review and approval for suitability and adequacy;*
- *Distribution, access, retrieval and use;*
- *Storage and preservation, including preservation of legibility;*
- *Control of changes (e.g. version control);*
- *Retention and disposal.*