

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I

Informal Working Group – Environment

(for inclusion in the IWG-ENV consultations, due 15 April 2022)

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. Name(s) of Delegation(s) making the proposal:

Advisory Committee on Protection of the Sea

2. Please indicate the relevant provision to which the textual proposal refers.

Draft Regulation 55 para 1 Purpose of the Environmental Compensation Fund

Kindly provide the proposed amendments to the regulation in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

DELETE from current proposed text ISBA/27/C/IWG/ENV/CRP.1 (8 Feb 2022) DR 55 para 1

“... designed to prevent, ~~limit or remediate~~ any damage ...”

REPLACE current proposed text with:

“... designed to prevent, **reduce and** control, **and if appropriate and feasible, limit and remedy**”

3. Please indicate the rationale for the proposal. [150 word limit]

The LOSC does not limit the required actions with regard to environmental damage to ‘control’. It requires ‘prevention, reduction and control,’ in that order, as set out in, e.g., LOSC Article 145. The Fund must cover at least all the required actions. Failure to do so would be incompatible with the LOSC because the full scope of its environmental provisions would remain unimplemented as required and render the regulations vulnerable to legal challenge.