

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART I**

***Informal Working Group - Environment***

*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](mailto:council2022@isa.org.jm).*

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

Delegation of the Argentine Republic

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

Draft Regulation 44 bis

**3. Kindly provide the proposed amendments to the regulation or standard or guideline 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.**

*“3. An application for a Plan of Work shall not be considered by the Commission until and unless a Regional Environmental Management Plan has been adopted by the Council for the particular area concerned. In the event that an application for a Plan of Work is submitted for an area where no such Regional Environmental Management Plan exists, the drafting of a Regional Environmental Management Plan applicable to the area in concern shall be prioritised and adopted without any undue delay, taking into account Section 2, Article 15 b/c of the 1994 Implementing Agreement.”*

Argentina does not support the inclusion of the proposed regulation.

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

The Argentine Delegation agrees that REMPs are useful tools for the protection of the marine environment from harmful effects which may arise from activities in the Area. However, we believe that REMPs are not the only means to comply with Art. 145 of UNCLOS and, even more, other tools more effective could be developed in the near future to achieve that same goal. Additionally, as the Authority has stated in several documents (e.g.: ISBA/25/C/4), REMPs are environmental policy tools rather than legal instruments, and their provisions are not expressed as legally binding obligations.

Despite the existence of a REMP in the Clarion Clipperton fracture that was established by the Council of the Authority, several delegations expressed in the meetings held in March that such REMP would not be a proper model for the creation of new REMPs. Thus, the view was expressed that a standardized mechanism for the establishment of new REMPs should be developed by the Authority. Consequently, the discussion regarding whether Art. 44 bis

should be incorporated in the Draft Regulations or the obligation contained therein, should eventually take place after the determination by the Authority of such creation mechanism.

Considering there is to date no standardized criterion for the creation of REMPs or timeline for the areas considered for REMPs, the current incorporation of Art. 44 bis also poses the following concerns:

Firstly, this provision would create a situation of advantage for contractors who seek to exploit in areas with an already existing REMP, compared to others who, despite complying with the relevant requirements, cannot start the exploitation activities due to the absence of a REMP in the area requested to exploit.

On the other hand, if an area with an existing REMP becomes more advantageous for exploitation, and therefore more demanded, such an area is likely to receive a greater environmental impact, which would be precisely contrary to the objective sought by Art. 145 of the UNCLOS and of the creation of the REMPs in particular.