

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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.

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

Spain

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

Article 44

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.

Regulation 44

General obligations

1. The Authority, sponsoring States, [the Enterprise] and Contractors shall, as appropriate within their respective competence, take [adopt, plan, implement and modify] necessary measures for ensuring effective protection for the marine environment from harmful effects which may arise from exploitation in the Area [or from shipboard processing immediately above a mine site of minerals derived from that mine site], in accordance with the article 145 of the Convention, the Agreement, the rules, regulations and procedures adopted by the Authority, as well as the Standards [and Guidelines] referred to in regulation 45.

<ul style="list-style-type: none">- <i>Language of the 145 Convention: “Take measures”</i>- <i>If processing is included in the definition of exploitation it is not necessary to indicate it expressly, and if it is not included it could be included there</i>- <i>Not necessary to include the Enterprise. See paragraph 5</i>
--

2. To this end, **the Authority** shall:

(a) [Adopt] [Establish] and keep under periodic review environmental rules, regulations, and procedures, in accordance with the Convention and the Agreement. For this purpose, the Authority shall:

<ul style="list-style-type: none">- <i>Language of the 145 Convention: “Adopt rules, regulations and procedures”</i>
--

- (i) Apply the precautionary approach, as reflected in principle 15 of the Rio Declaration [on Environment and Development], and the ecosystem approach to the assessment and management of risk to the Marine Environment from Exploitation in the Area;

<ul style="list-style-type: none">- <i>Harmonisation with the language of the exploration regulation</i>
--

- (ii) Apply the Best Available Techniques and Best Environmental Practices;

(iii) Integrate Best Available Scientific Evidence in environmental decision-making, including all risk assessments and management undertaken in connection with environmental assessments, and the management and response measures taken under or in accordance with Best Environmental Practices; and

(iv) Ensure accountability and transparency in the assessment, evaluation and management of Environmental Effects from Exploitation in the Area, including through stakeholder engagement and the timely release of and access to relevant environmental data and information and opportunities for stakeholder participation.

(b) Take all necessary measures to ensure that the Contractor carries out exploitation in the Area in conformity with the terms of its contract and its obligations under the Convention and the rules, regulations and procedures adopted by the Authority related to the protection for the marine environment from harmful effects,

3. The Legal and Technical Commission shall make recommendations on the implementation of paragraphs 1 and 2 above.

- Harmonisation with the language of the exploration regulation

4. **[States Parties shall have the responsibility to ensure that Exploitation in the Area, whether carried out by States Parties, or state enterprises or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, shall be carried out in conformity with the environmental rules, regulations, and procedures adopted by the Authority].**

- Responsibility to ensure compliance according to the Article 139. 1 Convention in relation to the protection and preservation of the marine environment

5. In order to ensure effective protection for the marine environment from harmful effects which may arise from Exploitation in the Area, the **Sponsoring State** shall apply the precautionary approach as reflected in principle 15 of the Rio Declaration, **[the ecosystem approach]**, the Best Available Techniques and Best Environmental Practices.

- Harmonisation with the language of the exploration regulation
- Application of paragraph 2 (i) and (ii)

6. In taking necessary measures to prevent, reduce and control pollution and other hazards to the marine environment arising from Exploitation in the Area, **Contractors** shall apply the precautionary approach, as reflected in principle 15 of the Rio Declaration, the ecosystem approach, the Best Available Techniques and Best Environmental Practices and demonstrate accountability and transparency in the assessment, evaluation and management of Environmental Effects from Exploitation in the Area, including through stakeholder engagement and the timely release of and access to relevant environmental data and information.
7. In adopting laws and regulations, in accordance with the Convention, to prevent, reduce and control pollution of the marine environment from Exploitation in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be, States shall the precautionary approach as reflected in principle 15 of the Rio Declaration, **[the ecosystem approach]**, the Best Available Techniques and Best Environmental Practices.
8. The obligations applicable to Contractors regarding protection and preservation of marine environment shall apply to the Enterprise.

9. *Language of the 1994 Agreement, Section 2 (4)*

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

Indicated in the text above