

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

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.

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

Finland

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

Draft Regulation 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.

1. The Authority, sponsoring States, the Enterprise and Contractors shall each, within their respective competence, adopt, plan, implement and modify measures necessary for ensuring effective protection of the Marine Environment, including all forms of marine life and their associated habitats and ecosystems, from harmful effects which may arise from any activity connected to Exploitation in the Area ~~[rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species]~~ and other forms of marine life; ~~from harmful effects [directly resulting from Exploitation in the Area or from shipboard dewatering immediately above a mine site of minerals derived from that mine site,]~~ ~~[which may arise from activities in the Area]~~, in accordance with the Rules of the Authority, Guidelines referred to in regulation 45 and the applicable Regional Management Environmental Plan. To this end:

(...)

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

(...)

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

In paragraph 1, we prefer to keep the text at a general level encompassing all ecosystem components and all human activities connected to exploitation in the Area. As the mapping

of deep-sea habitats is still incomplete, our understanding on what would require special care is limited. By mentioning for example 'rare and fragile ecosystems' we risk taking the focus away from effectively preventing harmful effects on the marine environment as a whole. Similarly, our proposal encompass all activities connected to exploitation in the Area, without specifying them closer.

Earlier proposals suggesting to add information on knowledge gaps and uncertainty have not been included in the latest version, as the precautionary approach/principle is considered to cover these aspects. However, we fear that application of the precautionary approach/principle may be interpreted differently across nations, which is already seen in the different terminology used (approach/principle). Thus, it is highly relevant to also spell out in the Regulations that the knowledge gaps and uncertainties arising from those gaps need to be taken into account in any operation in the Area. By adding the aforementioned gaps to Regulation 44 subparagraph 1 (iii) it would be ensured that Best Scientific Evidence also covers the cases where no evidence is available.