

**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:

Federal Republic of Germany

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.

Regulation 44

General obligations

1. The Authority, sponsoring States, the Enterprise and Contractors shall ~~each, as appropriate~~within their respective competence, adopt, plan, implement and modify measures necessary 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 Convention, the Agreement, the rules, regulations and procedures adopted by the Authority ~~in respect of activities in the Area, as well as the Standards referred to in regulation 45.~~ To this end, ~~they shall:~~

(a) In establishing, implementing and enforcing and keeping under periodic review environmental rules, regulations and procedures, in accordance with the Convention and the Agreement, the Authority shall:

(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 ~~of harm~~ to the Marine Environment from Exploitation in the Area;

(ii) Apply the Best Available Techniques and Best Environmental Practices ~~in carrying out such measures;~~

(eiii) Integrate Best Available Scientific Evidence in environmental decisionmaking, 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) Take into account the approach that the polluter should, in principle, bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.

~~(iv)~~(v) In implementing the regulations, act so as not to transfer, directly or indirectly, damage or likelihood of damage from one part of the environment to another or transform one type of pollution into another.

~~(div) Promote~~Require ~~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) In taking 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, the Sponsoring State shall as minimum requirements implement, mutatis mutandis, the measures set out under paragraph (a)(i) to (iv) above.

(c) In taking necessary measures to prevent, reduce and control pollution and other hazards to the marine environment arising from Exploitation in the Area, the Enterprise and Contractors shall implement, mutatis mutandis, the measures set out under paragraph (a)(i) to (iii) above 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 on their respective activities as well as adapt the necessary measures to newly emerged information and data .

2. 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 implement, mutatis mutandis, the measures set out under paragraph 1(a)(i) to (iv) above.

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

3. No regulation of this Part shall be interpreted as preventing sponsoring States, the Enterprise and Contractors from taking, individually or jointly, more stringent measures in

accordance with international law with respect to the prevention, reduction and where practicable elimination of detrimental effects on the marine environment.-

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

We support the amendments by the Facilitator (in blue). In addition, we have a few amendments (red). The suggested additional wording ensures that important principles which are agreed upon in other international treaties on the protection of the marine environment are included.