# TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> 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:**

ITALY

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

DR 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.**

| R44 (1) | Support "each". Swap "adopt and plan" into "plan and adopt". Replace "modify" with "revise" for consistency with the Convention and other regulations. Support insertion of first square brackets "including rare or fragile..." Support "directly resulting..." rather than "which may arise..." Do not agree that R45 should also deal with Guidelines, for this reason replace "Guidelines referred to in regulation 45" with "Guidelines referred to in regulation 95". |
|---|---|
| R44 (1) (a) | Support all insertions |
| R44 (1) (a) (i) | Support precautionary "principle" Include a definition of "ecosystem-based management approach" in the Schedule. Reference could be made to the FAO Ecosystem approach to Fisheries, according to which it "strives to balance diverse societal objectives, by taking account of the knowledge and uncertainties of biotic, abiotic and human components of ecosystems and their interactions", but also to OSPAR, which considers it as "the comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of marine ecosystems, thereby |

| | achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity". |
|---|---|
| **R44 (1) (a) (ii)** | Add ",taking into account the applicable Guidelines" |
| **R44 (1) (a) (iv)** | Support insertions but replace "timely" with "prompt" and delete "at regular intervals". |
| **R44 (1) (a) (iv) bis** | Support the new literal, but we see it connected to the issue of liability, which we believe should be discussed by the Council and by the LTC. The matrix of responsibilities of the actors involved in the exploitation, as referred to in ISBA/25/C/5 and to be developed by the Secretariat, could be helpful |
| **R44 (1) (b)** | With respect to the insertion of "shall assist the Authority to", Italy reminds that in its 2011 Advisory opinion, the SDC recognized that Sponsoring States not only have an obligation to assist the ISA, but they also have other direct obligations, some of which are reflected in (a) (i), (ii) and (iv bis). This should be reflected in the text. |
| **R44 (1) (c)** | Replace "ecological balance" with "ecosystem structure, function and resilience". While the terms "ecological balance" are used in Art. 145 of UNCLOS, they became in time vague and bear limited significance from a scientific point of view. The proposed wording is in line with the one used in the CBD e EBSA frameworks and appeal to measurable characteristics of the ecosystems<br><br>Support first insertion<br><br>Support "and risks", but delete "in the Area", as already contained in the definition of Exploitation.<br><br>Replace "timely", with "prompt" and delete "at regular intervals". Support the subsequent sentence, but modify it as follows: "shall Mitigate harm to Marine environment". Furthermore, it would be appropriate to also add reference to an adaptive approach at the end of the sentence. |
| **R44 (2)** | Modify 'marine' with 'Marine' (capital letter).<br><br>Delete 'in the Area'.<br><br>Support deletion of last sentence |

In general, Italy supports the inclusion of reference to rare or fragile ecosystems, consistently with article 194 (5) of the UNCLOS, which applies to all marine areas.

Italy also agrees that the precautionary principle applies when information gaps exist, but we would support a provision inviting to close such gaps when necessary, before starting a mining operation.

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