

**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 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.

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:

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

Italy welcomes the new version of DR 44, which now clearly sets out the responsibility of each actor involved in the exploitation activities, i.e. the contractors (including the Enterprise), the sponsoring States and the Authority.

We have however a few considerations on the text and text proposals in view to better streamline it.

First, an amendment suggestion on the first paragraph. We do not see the need to clarify ‘**immediately above a mine site**’ when mentioning shipboard processing, as all details related to this can be clearly inferred from the 2011 Advisory Opinion of the Seabed Dispute Chamber of the ITLOS (paras. 82-97).

Second, a few considerations. We reiterate, as we did in the past Sessions, the importance of the precautionary approach, but we see a need for clarity with respect to its practical implementation.

With respect to the implementation of the precautionary approach by the ISA, Italy welcomes again the work of the secretariat in document ISBA/25/C/8 'Implementing the precautionary approach to activities in the Area', with specific regard to its annex. However, we see the need for implementing this concept not only from an institutional and procedural perspective, but also from a substantial one, which is currently lacking.

We suggest therefore that the Council adopt a **policy document, revised periodically**, with a frequency to be agreed upon, to ensure the concept is implemented by all the actors involved, also in the light of the evolution of technological and scientific knowledge.

We finally favor the inclusion of the ecosystem approach, but need to converge on what it practically entails. A definition should be included in the Schedule of the regulations.

Lastly, we do not agree on the proposal of some delegations, as reported in the facilitator box, that '**where information is uncertain or inadequate, the Authority shall favor caution**', which seems excessively vague and generic.