

**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:

Norway

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

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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:

(a) In establishing 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~~ principle, as reflected in principle 15 of the Rio Declaration on Environment and Development, and the ecosystem approach [ecosystem-based management 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;

(ciii) 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

(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 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.

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.~~

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

Suggestion to remove “or from shipboard processing immediately above a mine site of minerals derived from that mine site” as this is fully included in “Exploitation in the Area”. The “precautionary principle” is more in line with this principle’s current and evolving status in international law. Norway suggests “ecosystem-based management” as this term has a clearer scope and content and fully encompasses an ecosystem approach. Support of “Require” instead of “promote” stakeholder engagement. This must be a clear requirement throughout the DR. DR 44 (3) seems unnecessary since the Council already retains full discretion to (and presumably will) ask the LTC for such recommendations.