

**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:

Advisory Committee on Protection of the Sea

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

Overarching Submission with regard to the Environmental Provisions

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.

ACOPS herewith voices its concern that the current draft exploitation regulations and the comments thereon submitted before and during the discussions in the Informal Working Group that are due to conclude today, do not include any “appropriate rules, regulations and procedures” for the “prevention, reduction and control of **interference with the ecological balance** of the marine environment,” which is specifically required in Law of the Sea Convention (LOSC) Article 145 as part of the “necessary measures [that] shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection of the marine environment from harmful effects which may arise from such activities.”

“Necessary measures” may include, *inter alia*:

- Defining “interference” and “ecological balance”
- The information needed to establish a baseline “balance” against which any potential interference must be measured
- Rules, regulations, procedures, standards and guidelines to “prevent, reduce and control” this interference.

This will also require consideration of the current draft regulations, standards and guidelines with regard to, *inter alia*:

- The ecosystem approach
- Biodiversity
- Environmental impact assessment

- Cumulative impacts
- Residual effects
- Monitoring
- The geographical boundaries for assessing an activity in the Area, including REMPS.

ACOPS will present its views in further detail in the next round of comments on the proposed draft regulations and looks forward to the thoughts of other delegations on this matter.

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

The omission of the “**interference with the ecological balance**” criterion, if left unaddressed in the exploitation regulations, will leave LOSC Article 145 unimplemented for a clearly mandated specific environmental requirement, the marine environment unprotected from a defined set of harmful effects related thereto, and the exploitation regulations consequently vulnerable to legal challenge.

Environmental concepts developed since the LOSC was adopted in 1982 have been brought into the current draft exploitation regulations, as provided for elsewhere in the LOSC, but these concepts do not and cannot supersede or substitute for the “interference with the ecological balance” criterion, neither legally nor scientifically.

The “interference with the ecological balance” criterion must be considered in its own right and the “necessary measures” developed accordingly.