

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> 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](mailto:council2022@isa.org.jm).*

**1. Name(s) of Delegation(s) making the proposal:**

SPAIN

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

[New Regulation 44. General principles and obligations](#)

**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 policy on the environment shall aim at high level of protection of the marine environment, including biological diversity and ecological integrity. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should be as priority be rectified at source and that polluter should pay. It shall also be based on the application of an ecosystem approach, the access to data and information relating to the protection and preservation of the Marine Environment, the accountability and transparency in decision-making and encouragement of effective public participation. Furthermore, it shall incorporate the Best Available Scientific Evidence into decision-making processes.
2. Within their respective competence, the Authority, sponsoring States and Contractors shall take, 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 from a mine site of minerals derived from that mine site, in accordance with the Convention, the Agreement, the Rules adopted by the Authority, as well as the Standards and Guidelines referred to in regulation 45.
3. To this end, the Authority shall:
  - (a) Adopt and keep under periodic review environmental rules, regulations, and procedures, in accordance with the Convention and the Agreement. For this purpose, the Authority shall:
    - (i) Apply the precautionary approach, and the ecosystem approach to the assessment and management of risk to the Marine Environment from Exploitation in the Area;
    - (ii) Apply the Best Available Techniques and Best Environmental Practice;
    - (iii) Integrate Best Available Scientific Evidence in 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

- (iv) **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) Take 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, the Agreement and **the Rules of the Authority** related to the **effective** protection for the marine environment from harmful effects.
4. The Legal and Technical Commission shall make recommendations on the implementation of paragraphs **2** and **3** above.
  5. In order to ensure effective protection for the marine environment from harmful effects which may arise from Exploitation in the Area, the sponsoring State shall apply the precautionary approach, the ecosystem approach, the Best Available Techniques and Best Environmental Practices.
  6. In taking necessary measures to prevent, reduce and control pollution and other hazards to the marine environment arising from Exploitation in the Area, Contractors **shall apply the precautionary approach, the ecosystem approach, the Best Available Techniques and Best Environmental Practices** 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.
  7. 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 apply the precautionary approach, the ecosystem approach, the Best Available Techniques and Best Environmental Practices.**
  8. **The obligations applicable to Contractors regarding protection and preservation of marine environment shall apply to the Enterprise.**

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

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| <ul style="list-style-type: none"><li>- <i>The purpose of the amendments is to define the principles and approaches that inspire the environmental policy of the Authority and to clarify the general obligations of the different actors</i></li><li>- <i>The effective protection for the marine environment should always apply even if the shipboard is not “immediately above” the mine site</i></li><li>- <i>Language of the 145 Convention: “Take measures”, “Adopt rules, regulations and procedures”</i></li><li>- <i>The scope of the precautionary approach/principle needs to be defined in its application to DSM</i></li><li>- <i>Language of the 1994 Agreement, Section 2 (4)</i></li></ul> |
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