

**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.*

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

Pew Charitable Trusts

**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.**

Please note that Pew’s proposed edits are highlighted in yellow

**Regulation 44 General obligations**

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 under Article 145 of the Convention which may arise from Exploitation in the Area or from shipboard processing immediately above a mine site of minerals derived from that mine site. Such measures shall be implemented, 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 and consistent with the relevant Regional Environmental Management Plan. To this end ~~they shall:~~

(i) Apply the precautionary approach, as reflected in principle 15 of the Rio Declaration on Environment and Development, and the ecosystem approach to the assessment and management of risk ~~of harm~~ to the Marine Environment from Exploitation in the Area;

~~(iv) Promote~~ Require 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 public access to relevant environmental data and information ~~and opportunities for stakeholder participation.~~

(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 public access to relevant environmental data and information.

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

In para 1, we propose reinstating a reference to Article 145 of the Convention to bring all stakeholders into alignment with regard to their environmental protection duties.

We are propose insertion of REMP's in para 1. The past few Council sessions have considered REMP's as ISA policy documents, which means they are not included in the phrase 'rules, regulations and procedures' of the ISA. A reference to REMP's here would confirm their relevance to all parties' environmental obligations.

In subpara (i) we believe that a reference to the precautionary approach is critical, but propose deletion of the reference to the Rio Declaration, to allow for an evolutive interpretation of the precautionary approach by the ISA over time.

In para c and subpara (iv), we propose adding "public" before access. Without this addition, this might otherwise read as requiring the ISA to (itself) access data, which is not the intended meaning.