

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART III**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

Informal Working Group on Institutional Matters

2. Name(s) of Delegation(s) making the proposal:

Australia

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

Draft Regulation 2(4)

4. 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.

~~4. According to article 145 of the Convention, the~~ The effective protection of the marine environment from the harmful effects which may arise from activities of exploitation, in accordance with the Authority’s environmental policy, including regional environmental management plans, is based inter alia on the following principles and approaches:

(i) Intergenerational equity.

(ii) Precautionary approach.

(iii) Ecosystem approach.

(iv) Polluter pays principle

(v) Access to data and information relating to the protection and preservation of the Marine Environment.

(vi) Accountability and transparency in decision-making; and

(vii) Effective public participation.

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

Australia recommends deleting the reference to Article 145 in this sub-paragraph. Draft Regulation 2, paragraph 1 refers to Section 2 of Part XI, which includes Article 145, as well as

Part XII of the Convention, making the reference to Article 145 in paragraph 4 redundant. Additionally, while the principles and approaches listed in sub-paragraphs (i) – (vii) contribute to fulfilling the obligations in Article 145 and in Part XII of the Convention, they should not be taken as exhaustively fulfilling the obligations to effectively protect the marine environment.

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Draft Regulation 2(6)

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~~6. Member States, Sponsors, Contractors, and the Authority shall ensure public trust and regulatory integrity, and shall not engage on decisions in which they have a clear conflict of interest.~~

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

Australia agrees with the intent of this proposal. However, we consider that a broad principle of this nature would be better placed in Guidelines or a Code of Conduct which could specify the obligations on each actor to uphold and give effect to these principles.