

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

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:

Protection and preservation of the marine environment

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

Norway

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

DR 44

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.

1. The Authority, sponsoring States, the Enterprise, Contractors and ~~States competent for vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority~~ shall each, within their respective competence plan, adopt, implement and modify measures necessary for ensuring effective protection of the Marine Environment, ~~including rare or fragile ecosystems all forms of marine life as well as the habitat of depleted, threatened or endangered species~~ from harmful effects directly or indirectly resulting from Exploitation in the Area, ~~including from shipboard dewatering immediately above a mine site of minerals derived from that mine site processing and from transportation of minerals to inland facilities, which may include inland processing~~ in accordance with the Rules of the Authority, Standards and taking into account Guidelines referred to in regulation 45 and the applicable Regional Environmental Management Plan. To this end:

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

(iv) Ensure accountability and transparency in the assessment, evaluation and management of Environmental Effects and risks from Exploitation ~~in the Area~~ in the Area, including through Stakeholder participation and the ~~timely prompt~~ public release of ~~relevant~~ environmental data and information at regular intervals and in an accessible format through the Authority’s website.

~~(v) Include Underwater Cultural Heritage in the definition of marine environment. Thus, references to the environment include references to these objects which hereinafter are referred to as~~

~~underwater cultural heritage (UCH) which has been more precisely defined in the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage.~~

~~(vi)ter Ensure to minimize the direct or indirect~~ ~~In implementing the regulations, In implementing the regulations, act so as not to transfer~~ ~~directly or indirectly~~ damage or ~~the~~ likelihood of damage from one part of the environment to another or transform one type of pollution into another ~~as stated in article 195 of the Convention. This especially related to avoiding toxic, persistent and bio-accumulative substances.~~

(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 Rules of the Authority related to the effective protection for the Marine Environment from harmful effects, the Sponsoring State shall, ~~ast a minimum,~~ assist the Authority to implement, ~~mutatis mutandis,~~ the measures set out under paragraph (a)(i) to ~~(vi)~~ above

(c) In taking necessary measures to prevent, reduce and control pollution and other hazards to the Marine Environment ~~including the coastline, and of interference with the ecological balance ecosystem structure, function and resilience of the Marine Environment including the coastline, and of interference with the ecological balance of 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 and risks from Exploitation, including through Stakeholder participation and the timely public release of environmental data and information on their respective activities at regular intervals and in an accessible format. In so doing, the Enterprise and Contractors shall apply a priority order to avoid, minimize, mitigate, and remediate ~~shall Mitigate harm to the Marine environment mitigate, and remediate restore, and as a last resort, offset where agreed,~~ harm to the ~~Mmarine Eenvironment, as well as~~ and adapt the necessary measures to newly ~~emerged-obtained~~ information and data.

2. In adopting laws and regulations, in accordance with the Convention, to prevent, reduce and control pollution of the ~~m~~Marine environment from Exploitation ~~in the Area 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.~~

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

- (1) We prefer to remove such examples of what is included in the different terms. We also suggest 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”.

- i) The “precautionary principle” is more in line with this principle’s current and evolving status in international law. Norway prefers “ecosystem-based management” as this term has a clearer scope and content and fully encompasses an ecosystem approach.
 - iii) Norway supports the inclusion of “knowledge gaps”.
 - iv) For clarity of scope, we prefer to retain “Exploitation in the Area”.
 - v) This pertains to the definition of Marine Environment, which should be defined clearly in the schedule. Norway wants underwater cultural heritage listed as a required topic for the EIA to be described in the EIS.
 - vi) Norway prefers the original wording here. We suggest removing the example at the end to not risk narrowing the definition.
 - c) Suggestion to define Marine Environment in the schedule and just refer to the term here for clarity and readability.
- 2) For clarity of scope, we prefer to retain “Exploitation in the Area”.
- 3) DR 44 (3) is unnecessary since the Council already retains full discretion to ask the LTC for such recommendations when necessary/ required.