

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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:

Federal Republic of Germany

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

Draft Regulation 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.

Regulation 44

General obligations

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, including those referred to in regulation 45 and the applicable Regional Environmental Management Plan. To this end:

(a) In adopting and keeping under periodic review rules, regulations and procedures, as well as the Standards and Guidelines in accordance with the Convention and the Agreement, the Authority shall:

(i) Apply the precautionary approach 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;

(ii) Apply the Best Available Techniques and Best Environmental Practices taking into account the applicable guideline,

(iii) Integrate Best Available Scientific Evidence in decision-making, including all risk assessments and management undertaken in connection with environmental assessments, acknowledging knowledge gaps, 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 and risks from Exploitation ~~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.

(iv)bis Take into account the approach that the polluter should in principle bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.

(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, 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 is especially related to avoiding persistent and bio accumulative toxic, persistent and bio accumulative substances effects.~~

(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, at 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 and its ecosystem structure, function and resilience, including the adjacent coastlines, 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, if feasible, 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 according 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~~ 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.

2-bis Alt. The parties mentioned in paragraph 1 shall:

(a) Apply the precautionary approach, and the ecosystem based management approach to the assessment and management of risk of harm to the Marine Environment from Exploitation in the Area;

~~(b) Apply the Best Available Techniques and Best Environmental Practices;~~

~~(c) 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~~

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

~~(e) Take into account the approach that the polluter should, in principle, bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.~~

~~(f) In implementing the regulations, act so as not to transfer, directly or indirectly, damage or 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.~~

~~3. The- Legal and Technical Commission shall make recommendations on the implementation of paragraphs 1 and 2 above.~~

~~4. No regulation in this Part shall be interpreted as preventing sponsoring States, the Enterprise and Contractors from taking, individually or jointly, more stringent measures in accordance with codified and customary based international law with respect to the prevention, reduction and where practicable elimination of detrimental effects on the marine environment.~~

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

We look forward to further discussing how to consider underwater cultural heritage in the regulations and whether to include it in the definition of marine environment.

We provide a few minor and editorial amendments above.