

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS FOR THE 28TH SESSION: COUNCIL -
PART II

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.

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

Submitted by the International Marine Minerals Society (IMMS)

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

DR55 from Dr Taga's (Facilitator the IWG on the Protection of the Marine Environment) further revised text, made available on 3 March 2023:

<https://www.isa.org.jm/wp-content/uploads/2023/03/ENV-Facilitator-further-revised-text.pdf>

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 55
Purpose of the Environmental Compensation Fund**

~~The purpose of the Fund is to finance compensation and mitigation costs, which cannot be borne by the Contractor or Sponsoring State as the case may be, for environmental damage outside of consented activity.~~

~~2. Based on the precautionary principle the contractor shall pay for necessary measures to limit, remedy and compensate damage to the Area arising from exploitation, outside of consented activity.~~

~~3. In cases where the contractor's payment is insufficient to limit, remedy and compensate damage to the Area arising from exploitation, the compensation fund may be used.~~

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

- Our view was that the purpose of the Environmental Compensation Fund should be for impacts/effects that occur outside of what was permitted and/or to cover closure costs if a contractor is unable to meet their commitments.
- However, the current wording suggests that it is to compensate for "any loss or damage to the marine environment of the Area or coastal states, arising from exploration activities in the Area". (we assume 'exploration' is meant to read 'exploitation').

Deleted: The purpose of the Fund is to finance the funding of, or compensation for, the implementation of any necessary measures designed to prevent, limit or remediate [designed to prevent, reduce and control and if appropriate and feasible, limit and remedy, y] mitigate or compensate for any loss or damage to the marine environment of the Area or coastal states, arising from exploration exploitation activities in the Area where harm outside of consented activity has been occurred. . This includes the restoration and rehabilitation of the Area when technically and economically feasible and in accordance with Good Industry Practice, Best Environmental Practices and Best Available Techniques when the costs of such measures and efforts cannot be recovered from a Contractor or Sponsoring State, as the case may be for environmental damage outside of consented activity. Compensation shall include the costs for implementation of any necessary measures designed to prevent, reduce, mitigate, limit, and remediate any damage to the marine environment and its resources. ¶

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- We therefore submit wording for the “purpose of the Fund” above.

