

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.

The facilitators' proposed amendments are reflected in **red**.

Pew's proposed amendments and our questions or comments regarding the facilitator's remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator's text this is shown **in strikethrough and bold**.

1. Name of Working Group:

IWG Environment

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

Pew Charitable Trusts

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

DR 44 - General Obligations

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:

(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 **in accordance with the relevant Standard** 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) alt. In implementing the regulations, the Contractor shall not transfer, directly or indirectly, damage or hazards, or the likelihood of damage or hazards, from one part of the environment to another, or transform one type of pollution into another, as stated in article 195 of the Convention, and shall not use toxic, persistent and bio accumulative substances.”

(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 of the Marine Environment which includes ecosystem structure, function and resilience 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 Environment. as well as~~ and adapt the necessary measures to newly ~~emerged~~ obtained information and data.

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

DR 44 (1): Exploitation’ is a defined term that means deriving minerals from a mine site, is restricted to ‘in the Area’, and includes processing at the site, making the additional text to this effect redundant.

Subpara (c) : We note that 'Ecological balance' is the term used in Article 145 of UNCLOS, but we also recall delegates’ interventions previously, describing the term as unclear or outdated. We would therefore suggest an amendment to sub-para (c) to read as amended. This would mean consistency between the Regulations and UNCLOS while also clarifying, modernising and operationalising the term. Also propose deleting the term “offset” in the last sentence. It is not clear what offsetting environmental harm in the context of deep sea environments could entail. There also seem to be two references to “harm to the marine environment” in lines 13 and 15 – one of which should be deleted.