

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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:

IWG IM

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

Federal Republic of Germany

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

Regulation 2 – Principles, approaches and policies

Red text is in original draft; **blue text** indicates Germany's textual proposals

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. These regulations, and any decision-making thereunder, shall be applied in conformity with the principles governing the Area embodied in Section 2 of ~~the~~ Part XI ~~[and **in with** Part XII]~~ of the Convention **and with the aim to achieve the Authority's Strategic Environmental Goals and Objectives..**

2. **Recognizing that the rights in the Resources of the Area are vested in humankind as a whole, on whose behalf the Authority shall act,** Exploitation in the Area shall be carried out for peaceful purposes and for the benefit of **humankind** as a whole, taking into particular consideration the interests and needs of developing States, **[and] while** ensuring the effective protection of **the** marine environment, **including biological diversity and ecological ecosystem integrity,** from harmful effects which may arise from such activities in the Area ~~[consistent with Article 145 of the Convention]~~ ~~[including [biological diversity and ecological integrity] [its flora and fauna]]~~

2 bis. Exploitation in the Area and other activities in the Marine Environment shall be carried out with reasonable regard for each other in accordance with article 147 of the Convention.

~~[3. Exploitation in the Area shall not commence until the legal framework intended for the effective protection and preservation of the Marine Environment is adopted and scientific evidence demonstrates that the Exploitation will be conducted in such a manner as not to cause significant and harmful changes to the Marine Environment and its resources and to effectively protect and preserve the Marine Environment pursuant to article 145 and **[article 209 of] Part XII of UNCLOS.]**~~

[3 alt 1. Exploitation shall not be authorized in the Area unless, inter alia, phase one and two Standards and Guidelines are adopted, and effective protection of the Marine Environment from harmful effects can be ensured consistent with Article 145 of the Convention [and including biological diversity and ecosystem integrity][and effective protection of human life in accordance with Article 146 of the Convention].

[3 alt 2. Exploitation in the Area shall not commence until:

(a) the legal framework intended for the effective protection and preservation of the Marine Environment has entered into force ~~and the Authority has adopted an environmental policy~~;

(b) the implementation of ~~[Target 3 of]~~ the Kunming-Montreal Global Biodiversity Framework is well on track in the area beyond national jurisdiction; and

(c) scientific evidence demonstrates that Exploitation will be conducted in such a manner so as: not to cause significant and harmful changes to the Marine Environment and its resources, pursuant to article 196 of UNCLOS, and to effectively protect and preserve the Marine Environment, including biological diversity and ecosystem integrity, pursuant to article 145 and Part XII of UNCLOS ~~[including biological diversity and ecosystem integrity]~~, and not to impede the full implementation of ~~[Target 3 of]~~ the Kunming-Montreal Global Biodiversity Framework in the area beyond national jurisdiction.

4. ~~[According to article 145 of the Convention,] the effective protection of the Marine Environment from the harmful effects which may arise from Exploitation, in [accordance] ~~[line]~~ with the Authority's environmental policy, including regional environmental management plans, is based inter alia on the following principles and approaches:~~

4 alt. The following principles and approaches shall guide the application of these regulations:

(a) Intergenerational equity.

(b) Precautionary ~~principle or~~ precautionary approach, ~~as appropriate~~.

~~(c) Ecosystem [based management] approach.~~

(c) An ecosystem approach;

(c bis) An integrated approach to ocean management;

(d) Polluter pays principle.

(e) Open access to [non-confidential] data, [and] information and knowledge including relating to the protection and preservation of the Marine Environment.

(f) Transparency, inclusivity and accountability in decision-making[;

~~(vii)]~~ including effective stakeholder involvement and public participation;

(g) The use of the bBest aAvailable science and sScientific information;

(h) The use of relevant traditional knowledge of Indigenous Peoples and local communities where available.

5. These regulations shall be also applied in conformity with the policies relating to activities in the Area established in article 150 and 151 of the Convention and related principles contained in the Annex of the Agreement; as well as the environmental policy of the Authority.

[6. Members of the Authority, Sponsoring States, Contractors, and the Authority shall ensure public trust and regulatory integrity, and shall not engage on decisions in which they have a conflict of interest.]

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

- Para 1: Germany prefers keeping the reference also to Part XII of the Convention and suggests a minor text amendment to provide for a clear logic of the sentence. Furthermore, Germany suggests adding reference to the new DR 44ter (environmental goals and objectives).
- Para 2: Germany has a suggestion for the 2nd half of this paragraph to improve the logical flow of the sentence. In addition, we recommend to refer to “ecosystem integrity” instead of “ecological integrity” as “ecosystem integrity” has its origin in the 1992 Rio Declaration on the Environment and Development and is commonly referred to in the CBD. Furthermore, the suggested text amendment aims to provide for consistent use of terms (having in mind language set out in paragraph 3 alt 2 (c)).
- Para 3 alt 2 (c):
 - Germany suggests the inclusion in the first sentence of a reference to article 196 of UNCLOS, to follow a consistent approach as there is also a reference to article 145;
 - Germany suggests a text amendment to provide for consistent use of terms (see rationale set out for Para 2).
- Para 4 alt (b), (c) and (g): Germany suggests minor text amendments to provide for a harmonized use of terms across different legal frameworks, making use of terms already agreed in the BBNJ Agreement.