

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Environment

**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.**

DR 44ter

**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.**

**Regulation 44 ter [IWG ENV]**

**Environmental goals and objectives**

1. In performing their roles and obligations under the Convention, the Agreement, and all relevant Rules of the Authority, Contractors, the Enterprise, the Authority and its organs, and Sponsoring States shall be guided by the Authority's Strategic Environmental Goals and Objectives, set out in paragraphs 6 and 7.
2. The Council shall ensure that the Strategic Environmental Goals and Objectives pursuant to paragraphs 6 and 7 are operationalized through regionally and mineral specific environmental objectives in Regional Environmental Management Plans.
3. The Council shall ensure that the Strategic Environmental Goals and Objectives pursuant to paragraphs 6 and 7 and the regionally and mineral specific environmental objectives in Regional Environmental Management Plans pursuant to paragraph 2 are further operationalised through environmental thresholds, developed pursuant to Regulations 45(2) and 94, prior to the assessment of the first application for a Plan of Work for exploitation.
4. Contractors, applicants, the Council and the Commission shall ensure that a proposed Plan of Work reflects and contributes to the achievement of the Authority's Strategic Environmental Goals and Objectives pursuant to paragraphs 6 and 7 as well as the relevant regionally and mineral specific environmental objectives pursuant to paragraph 2.
5. The Authority shall keep its Strategic Environmental Goals and Objectives under periodic review and ensure amendments to reflect advances in scientific research and knowledge. Where the Authority's Environmental Objectives are revised, the Commission shall:

- (a) inform Contractors and Sponsoring States and discuss whether any modification of a Plan of Work is required pursuant to regulation 57; and
  - (b) recommend to the Council any necessary amendments to other relevant instruments, including Standards, Guidelines, and Regional Environmental Management Plans.
6. The Authority's strategic environmental goals are to sustain marine (benthic and pelagic) ecosystem integrity, including the physical, chemical, geological and biological environment, and contributing to restoring ecosystem integrity.
7. The Authority's strategic environmental objectives are to:
- (a) Prevent loss of genetic diversity, species richness, habitat or community types, and structural complexity;
  - (b) Maintain the ability of populations to replace themselves, including ensuring population connectivity and the preservation of suitable habitat;
  - (c) Prevent significant changes in the distribution, abundance or productivity or species of flora and fauna;
  - (d) Prevent further jeopardy to endangered or threatened species or populations of said species;
  - (e) Prevent the degradation of ecosystem functions (e.g. the long-term natural productivity of habitats, elemental cycling, trophic relationships);
  - (f) Prevent non-negligible risks of contamination by pollutants, damage to flora and fauna, or other harmful effects to ecosystem integrity during any phase of the mining process;
  - (g) Prevent significant changes in the atmosphere, climate and weather patterns, the terrestrial environment, or the Marine Environment;
  - (j) Prevent significant adverse effect on air and water quality;
  - (h) Maintain resilience to prevent regime shift, and to support recovery from cumulative impacts, including mining, that can affect source populations and communities, connectivity corridors, life-history patterns and species distributions; and
  - (i) Sustain ecosystem services, including carbon sequestration, recognizing that many are yet to be discovered.
  - (k) Prevent non-negligible risks that will undermine the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment;
  - (l) Prevent degradation, or risk of degradation to special biological, scientific, archaeological, or historical significance of the Area or the Marine Environment; and
  - (m) Preserve vulnerable and unique marine ecosystems.

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

- Germany proposes to add a new DR 44ter to the Regulations to cover the topic of Strategic Environmental Goals and Objectives which we propose to define in the Schedule by reference to this new DR 44ter.

- The proposed new text reflects the criteria currently included in DR 13(4)(c), which we consider is more suitably provided in a new DR 44ter, as strategic environmental goals and objectives of the Authority. Environmental goals and objectives are foreseen in DRs 13, 38(2)(g), 45(2)(b), 46(2)(a), 46 ter.(3)(e), 48(3)(c) / 48alt.(3)(b), and Annex IV(8)(d).
- Environmental goals and objectives are fundamentally important (indeed ‘necessary measures’) as a means for the ISA to operationalize Article 145 UNCLOS.<sup>1</sup>
- Environmental goals and objectives should be strategic i.e. long-term, and applicable across the Area (and associated marine environment) and to all mineral resource types and environmental settings.<sup>2</sup> Environmental goals and objectives will underpin and guide ISA decision-making and Contactor’s performance of their obligations, and as such will provide consistency and predictability for all States and stakeholders.
- Strategic environmental goals and objectives will also assist (indeed, are urgently required for) the consistent and coherent development of REMPs, and of the quantitative environmental threshold Standards, the first tranche of which are currently under consideration by LTC working groups.<sup>3</sup> The REMPs should reflect the strategic environmental goals and objectives and break them down into regionally and mineral specific objectives captured within each REMP.
- Germany therefore considers that the further development of the draft regulations would benefit from:
  - establishing clearly the existence and role of the strategic environmental goals and objectives;
  - including a draft list of strategic environmental goals and objectives, for Council to discuss and agree; and
  - cross-referring to the Authority’s strategic environmental goals and objectives, in appropriate places throughout the Regulations (incl the Schedule, DR 13, and provisions on the EIA, EIS, EMMP and Closure Plan),

with the aim to ensure consistency of approach by the ISA, Contractors and Sponsoring States towards the same goals and objectives.

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<sup>1</sup> Tunncliffe et al. (2020) ‘Strategic Environmental Goals and Objectives: Setting the basis for environmental regulation of deep seabed mining’. Marine Policy, Volume 114, 2020, accessible here:

<https://www.sciencedirect.com/science/article/pii/S0308597X1830321X>

<sup>2</sup> Ibid.

<sup>3</sup> B. Hitchin et al. (2023) ‘Thresholds in deep-seabed mining: A primer for their development’. Marine Policy, Volume 149, 2023, accessible here: <https://www.sciencedirect.com/science/article/pii/S0308597X23000325>