

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART III**

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:

Informal Working Group – Environment.

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

Republic of Nauru

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

Regulation 44Alt

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, [flag States and the States of registry of or having authority over installations, structures and other devices] shall take necessary measures to ensure effective protection of the Marine Environment from harmful effects which may arise directly ~~or indirectly~~ from Exploitation in the Area, in accordance with Regulations and applicable Standards and taking into account applicable Guidelines referred to in regulation 45 and the relevant Regional Environmental Management Plan and to this end shall, as applicable in their respective areas of competence:

(a) ...and ~~prevention~~ avoidance of risk of harm to the Marine Environment from Exploitation in the Area

(c) Integrate Best Available Scientific ~~Evidence~~ information in decision-making;

(f) Ensure that damage or hazards are not transferred ~~from one part of~~ to the marine environment to another and that one type of pollution is not transformed into another one. This is especially related to avoiding toxic, persistent and bio accumulative substances.

2. The Legal and Technical Commission shall make recommendations to the Council on the implementation of paragraphs 1 above as required.

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

We express a preference for regulation 44Alt.

Para 1: Like other delegations we question the Authority’s ability to impose obligations on flag States. We suggest the relevant text above is placed in square brackets.

The word “indirectly” should be removed to conform with the language of the Convention at article 17(2)(f) of annex III: “harmful effects directly resulting from activities in the Area”.

In paragraph 1(a), we note that it is not possible to prevent all risks. Risks can only be avoided, minimized or reduced. We suggest that the word “prevention” is replaced with “avoidance”.

For paragraph 1(f), the amendments to align with the previous version of this sub-paragraph.

Para 2: To clarify to whom the LTC will make any recommendations.