

**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:** Protection and Preservation of the Marine Environment

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

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

DR44 paragraphs (1)(a)(iv)bis, (2)(e) and 2(g)- proposed amendments in **green**; black text and **red** text is from the Facilitator's fourth revised draft text circulated prior to the November 2023 Council meeting.

- 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

1. The Authority, Sponsoring States, the Enterprise, Contractors and flag States 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 plan, adopt, implement and update all measures necessary for ensuring effective protection of the Marine Environment, including but not limited to rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species from harmful effects directly or indirectly resulting from Exploitation in the Area. in accordance with the Convention, the Agreement, the Rules of the Authority, Standards and taking into account Guidelines including those referred to in Regulation 45, international law and the applicable Regional Environmental Management Plan. To this end:

(a) In adopting and keeping under periodic review rules, regulations and procedures, as well as the Standards and Guidelines in accordance with the Convention and the Agreement, the Authority shall:

...

(iv)bis Take into account the approach that the polluter should bear the cost of pollution, ~~endeavour to~~ promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution

prevention and control requirements for the authorized activities, having due regard to the public interest.

...

2. In adopting laws and regulations, in accordance with the Convention, to prevent, reduce and control pollution of the Marine environment from Exploitation undertaken by vessels, installations, structures, [robots] and other devices flying their flag or of their registry or operating under their authority, as the case may be, States shall implement, *mutatis mutandis*, the measures set out under paragraph 1(a)(i) to (vi) above.

The parties shall:

...

(e) Take into account the [approach] [principle] that the polluter should, [in principle], bear the cost of pollution, ~~endeavour to~~ and promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.

...

(g) Ensure that Exploitation ~~in the Area under an exploitation contract~~ is carried out with reasonable regard for climate mitigation ~~and to minimise impacts on the ocean's capacity to function as a climate sink and ecosystems in the area, such as carbon burial and sequestration and nutrients recycling.~~

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

Noting that intersessional work was undertaken to streamline DR44, but that the outcomes of this work (DR44 Alt) was not considered in detail at the November meeting of the Council, Australia submits the following proposed amendments to DR44.

Australia proposes deleting 'endeavour to' in paragraphs (1)(a)(iv)bis and (2)(e) to strengthen this obligation.

Exploitation activities should minimize further degradation of oceans as vital carbon sinks. Australia proposes amendments to paragraph (2)(g), to simplify and streamline the drafting.