

**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:**

Informal Working Group on Environment

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Regulation 44ter

**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~~**

**~~Environmental Goals and Objectives~~**

~~1. — In performing their roles and obligations under the Convention, the Agreement, and all relevant rules, regulations and procedures of the Authority, Contractors, the Enterprise, the Authority and its organs, and Sponsoring States shall be guided by the 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 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;~~

~~(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.]~~

#### **Comment**

Regulation 44 ter has been suggested by one delegation. It could be considered to instead regulate this in a policy, as the environmental goals and objectives are already handled in Regulation 13. However, if the proposed Regulation gains support, it would require an update of Regulations 13, 38, 45, 50bis, 50, 48, 48alt and Annex IV.

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

- We do not support the inclusion of proposed Draft Regulation 44ter.
- This new proposal would require alterations across a range of other provisions. The objectives it sets out are unclear and difficult to convert into workable obligations. The Regulations are also not the appropriate place to reflect these kinds of objectives, which are more suited to an overarching environmental policy or similar instrument.