

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 including [UK] 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 [del – UK] 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, the Enterprise, Sponsoring States [Spain], [del – Spain], the Council and the Commission shall ensure that a proposed Plan of Work reflects and contributes to the achievement of the Authority's [del – UK] Environmental Goals and Objectives, including those [UK] 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 and new contributions from Indigenous Peoples and from local communities [Micronesia]. Where the Authority's Environmental Goals and [UK] 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 and contribute to restoring [UK] marine (benthic and pelagic) ecosystem integrity, including the physical, chemical, geological and biological environment [del – UK].

7. The Authority's strategic Environmental Objectives are to:

- (a) Prevent non-negligible [UK] loss of biodiversity, including [UK] genetic diversity, species richness and evenness [UK], 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;

Commented [GER1]: UK explanation for para 2 and 3: "we agree that higher-level eGOs (here 'strategic eGOs') need to be operationalised through regional and mineral-specific objectives, but do not want to constrain that mineral-specific objectives can only be operationalised in REMPs."

Deleted: in Regional Environmental Management Plans

Commented [GER2]: Spain explanation: "In our opinion, the word 'applicants' in paragraph 4, line 1, should be eliminated, since it has a generic character and encompasses the contractors, the Enterprise, and the Sponsoring States. We think it is more appropriate to explicitly mention all these entities, as it is done in paragraph 1. We believe that in addition to providing greater clarity, it follows the line of what is indicated in the regulations."

Deleted: applicants

Commented [GER3]: UK explanation: "a Plan of Work shall reflect and contribute to all eGOs of the Authority."

Deleted: Strategic

Commented [GER4]: Micronesia explanation: "The FSM proposes to revise the chapeau of paragraph 5 of DR 44ter to account for new contributions from Indigenous Peoples and from local communities, alongside advances in scientific research and knowledge, as bases for amendments to the ISA's Strategic Environmental Goals and Objectives. This would also be in line with current text in DR 45(5)."

Commented [GER5]: UK explanation: "we consider any revisions (including changes or additions) of both goals and objectives should be considered."

Commented [GER6]: UK explanation: "drafting proposed to avoid repetition between start and end of paragraph 6" and "goal as drafted includes sustaining marine ecosystem integrity"

Deleted: , and contributing to restoring ecosystem integrity...

Commented [GER7]: UK explanation: "Para 7 (a) as drafted is one objective (noting multiple will be needed) to achieve this strategic goal. We therefore support the intent. However, to make a link between ecosystem integrity in the goal, and the very specific elements that make up marine biodiversity in para 7 (a), we propose a reference to the objective of maintaining biodiversity as a whole, before moving into more detail listing the components that need to be considered to achieve this. On the specific content of 7 (a), we agree species richness should be included, but a community is also characterised by its species evenness, so we propose that it should also be included here."

Commented [GER8]: UK explanation: "We note that the statement in (7) (a) to 'prevent loss of genetic diversity' is quite absolute for a high-level objective. Loss of one individual of a species is technically a loss of genetic diversity. Therefore, we would recommend each objective drawing on the approach taken in paragraph (7) (i) and ..."

- (c) Prevent significant changes in the distribution, abundance or productivity of ~~f~~ ^[GER] ~~species~~ ^[UK] ~~[del – UK]~~;
- (d) Prevent further jeopardy to endangered or threatened species or populations of said species;
- (e) ~~[del – UK]~~ ^{Sustain} ^[UK] 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 ~~species~~ ^[UK] ~~[del – UK]~~, or other harmful effects to ecosystem integrity during any phase of the mining process;
- (g) Prevent significant changes in ^{air quality} ^[Spain] the atmosphere, climate and weather patterns, the terrestrial environment, or the Marine Environment;
- (h) Prevent significant adverse effect on ~~[del – Spain]~~ water quality;
- (i) 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;
- (j) 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 ~~species~~ ^[UK] ~~[del – UK]~~ of the Marine Environment;
- (l) Prevent degradation, or ~~reduce the~~ ^[Nauru] risk of degradation to special biological, scientific, archaeological, or historical significance of the Area or the Marine Environment ~~[del – UK]~~. ^{This shall include the preservation of} ^[UK] vulnerable and unique marine ecosystems.

Commented [GER9]: UK explanation: “Flora and fauna as a technical term only covers plants and animals, but all life should be covered. We have suggested ‘species’ as a succinct, all-encompassing term”

Deleted: r

Deleted: of flora and fauna

Commented [GER10]: UK explanation: “We consider ‘sustain’ ecosystem functioning is more appropriate, as used for ecosystem services in (7) (i). We think this more clearly refers to making sure the functions that are already occurring can keep occurring within their natural variability for that specific location.”

Deleted: Prevent the degradation of

Deleted: flora and fauna

Commented [GER11]: Spain explanation: “In this paragraph we are not sure that it is necessary to mention air quality per se, since in paragraph (g), changes in the atmosphere, climate and weather are mentioned. We think that air quality is a component of all these elements. Perhaps it could be mentioned in this paragraph (g), so that paragraph (j) would refer only to water quality.”

Deleted: air and

Deleted: flora and fauna

Commented [GER12]: Nauru explanation: “we note that “risks” can only be reduced, and not prevented. As such, we propose that sub-paragraph 7(l) of this regulation be amended to reflect this.”

Deleted: ; and

Commented [GER13]: UK explanation: “we consider vulnerable and unique marine ecosystems are a category which could sit within the list detailed in paragraph (l), so suggest merging these two objectives.”

Deleted: Preserve

Schedule

“Strategic Environmental Goals and Objectives” means the goals pursuant to Regulation 44ter (6) and the objectives pursuant to Regulation 44ter (7).