

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31ST 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.

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

The Kingdom of the Netherlands

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

Regulation 2 “Principles, approaches and policies”

3. 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.

Yellow represents our suggestions.

~~[3. Exploitation in the Area shall not commence until the legal framework intended for the effective protection and preservation of the Marine Environment is adopted and scientific evidence demonstrates that the Exploitation will be conducted in such a manner as not to cause significant and harmful changes to the Marine Environment and its resources and to effectively protect and preserve the Marine Environment pursuant to article 145 and [article 209 of] Part XII of UNCLOS.]~~

~~[3. Alt. Exploitation in the Area shall not commence until:~~

~~(a) — The legal framework intended for the effective protection and preservation of the Marine Environment has entered into force [and the Authority has adopted an environmental policy];~~

~~(b) — The implementation of [Target 3 of] the Kunming-Montreal Global Biodiversity Framework is well on track in the area beyond national jurisdiction; and~~

~~(c) — Scientific evidence demonstrates that Exploitation will be conducted in such a manner so as: not to cause significant and harmful changes to the Marine Environment and its resources, [pursuant to Article 196 of the Convention, and] to effectively protect and preserve the Marine Environment, [including biological diversity and ecosystem integrity] pursuant to Article 145 and Part XII of the Convention, [including biological diversity and ecosystem integrity], and not to impede the full implementation of [Target 3 of] the Kunming-Montreal Global Biodiversity Framework in the area beyond national jurisdiction.~~

3. Exploitation in the Area shall only commence:

(a) once all Phase 1 Standards and Guidelines, Phase 2 Standards and Guidelines and Phase 3 Standards and Guidelines have been adopted;

(b) when it is demonstrable, in the view of the Commission and Council, that such Exploitation can be conducted in such a manner so as to ensure effective protection of the marine environment from harmful effects which may arise from Exploitation in the Area, and the ecological balance of the marine environment is not interfered with; and

(c) in instances where it would not impede the effective implementation of international frameworks and agreements related to the protection of the marine environment. Decisions regarding exploitation activities will be made by taking into consideration progress on the implementation of such frameworks and agreements;

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

The Kingdom of the Netherlands submitted a textual proposal on DR2 in September 2024. This textual proposal was not incorporated in the consolidated text. In light of the fact that the Kingdom of the Netherlands did record support for its September 2024 proposal during the 30th session of the Council, we are resubmitting our textual proposal. Please find the rationale below.

The consolidated text of 16 February 2024 contained three different alternatives for DR 2(3) which had all been struck from the draft text.

The Kingdom of the Netherlands herewith introduces an alternative draft of paragraph 3. This paragraph contains more than mere policy points. Rather, it sets out important conditions precedent which must be fulfilled prior to Exploitation in the Area can take place. The following is a brief commentary on the separate sub-paragraphs:

- Sub (a) implements the outcome of discussions in the Commission. See ISBA/25/C/19/Add.1, paras. 20-22;
- Sub (b) operationalizes the obligation contained in the first sentence of Article 145 UNCLOS; and
- Sub (c) ensures that decisions on Exploitation are made taking into consideration a broader range of international frameworks and goals. The wording of sub (c) is viewed as an improvement of the previous 3 alt 2, as it no longer refers to time-limited targets.