

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART II**

***Informal Working Group - Environment***

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).

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

SPAIN

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

Regulation 44

**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.**

1. The Authority, sponsoring States, the Enterprise and Contractors shall each, within their respective competence, adopt, plan, implement and modify measures necessary for ensuring effective protection of the Marine Environment, including ~~{rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species}~~ and other forms of marine life, from harmful effects ~~{directly resulting from Exploitation in the Area or from shipboard dewatering immediately above a mine site of minerals derived from that mine site,}~~ ~~{which may arise from}~~ processing activities in the Area, in accordance with the Rules of the Authority, Guidelines referred to in regulation 45 and the applicable Regional Management Environmental Plan.
  - (i) Apply the precautionary ~~{approach}~~ ~~{principle}~~, as reflected in principle 15 of the Rio Declaration on Environment and Development and the ecosystem-based management approach to the assessment and management of risk of harm to the Marine Environment from Exploitation in the Area;
  - (iv)bis Take into account the approach that the polluter should, ~~in principle,~~ 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.
  - (v)ter In implementing the regulations, act so as not to transfer, directly or indirectly, damage or likelihood of damage from one part of the environment to another or transform one type of pollution into another specifically avoiding toxic, persistent and bioaccumulative substances

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

[1] The effective protection of the marine environment should always apply even if the shipboard is not “immediately above” the mine site. [(a) (i)] A definition of "precautionary principle" in the section of basic definitions of the documents is needed. [(iv bis)] Proposal to better align with the “polluter pays” principle. We suggest this additional text as a qualitative definition of potential contaminants. [v ter] We suggest this additional text as a qualitative definition of potential contaminants