

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).*

- 1. Name of Working Group:** Marine Environment WG
  
- 2. Name(s) of Delegation(s) making the proposal:** Australia
  
- 3. Please indicate the relevant provision to which the textual proposal refers.**

DR 44(1) - proposed amendments are in **green** text

- 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**

**General obligations**

1. The Authority, Sponsoring States, the Enterprise, Contractors and [flag] States 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:

...

(c) In taking **all** necessary measures to prevent, reduce and control pollution and other hazards to the Marine Environment [and its ecosystem structure, function and resilience], including the [adjacent] coastlines, [and of interference with the ecological balance of the Marine Environment which includes] ecosystem [integrity] [] arising from [its] Exploitation in the Area, the Enterprise and Contractors shall [] demonstrate accountability and transparency in the assessment, evaluation and management of Environmental Effects and risks from Exploitation , including through Stakeholder participation and the [] [prompt] public release of environmental data and information on their respective activities at regular intervals and in an accessible format. In so doing, the Enterprise and Contractors shall apply a priority order to avoid, minimize, Mitigate, [] remediate, [and restore] [] harm to the

Marine environment [] and adapt the necessary measures [according] to newly obtained information and data.

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

Australia proposes removing the square brackets around the words 'but not limited to' to ensure clarity in drafting. This is to ensure that lists of matters for consideration throughout the regulations are not interpreted to be exhaustive, such that other relevant matters may also be considered where relevant.

Australia supports the inclusion of 'all' in the opening line of regulation 44(1)(c), and so suggests removal of the square brackets. This is to ensure that this provision aligns with the text of Article 194 of the United Nations Convention on the Law of the Sea, and to ensure consistency with other references across these regulations.