

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

- 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 55(2) and (3) - 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 55

Purpose of the Environmental Compensation Fund

..

2. Based on the [~~precautionary~~] polluter pays principle the Contractor pay for any necessary measure to limit, remedy and compensate any damage to the Area arising from their [~~mining Exploitation~~] activities.

...

~~[[3. In cases where the contractor' payment is insufficient to limit, remedy and compensate any damage to the Area arising from] [] [Exploitation,] the compensation fund may be used.]~~

...

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

Australia supports Regulation 55(2) over 55(2 alt) referring to the ‘polluter pays’ principle over the ‘precautionary principle’. As such, Australia supports removing the square brackets around ‘polluter pays’. The matter of precaution is not an appropriate reference when considering the responsibility and distribution of the burden of costs. Australia suggests that this revision is made throughout the regulations when a full legal review for consistency in terminology and drafting is undertaken in the future.

Australia supports the Facilitator’s suggestion to omit Regulation 55(3). It is unclear the value it adds to the purpose statement in Regulation 55(1).

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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 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 55(3) - 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 55

Purpose of the Environmental Compensation Fund

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~~[[3. In cases where the contractor's payment is insufficient to limit, remedy and compensate any damage to the Area arising from] [] [Exploitation,] the compensation fund may be used.]~~

...

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

Australia supports the Facilitator's suggestion to omit Regulation 55(3). It is unclear the value it adds to the purpose statement in Regulation 55(1).