

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART II**

*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:**

IWG Environment

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

Belgium

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

Regulation 55

**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. Alt 2~~

~~**Purpose of the Environmental Compensation Fund**~~

~~The Environmental Compensation Fund has two purposes:~~

~~(a) In the event that there is environmental damage caused by contractor activities that were not consented, then in accordance with the polluter pays principle the contractor shall bear liability for the financing of any measure to Mitigate that environmental damage and shall also be liable for compensation to any person affected by that environmental damage, but if the contractor is unable to meet that liability in full, then, as a last resort, the environmental compensation fund may be called upon; and~~

~~(b) In the event that there is unforeseen environmental damage caused by contractor activities that were consented activities then the environmental liability fund shall be used to finance any measure to mitigate that environmental damage and compensate any person affected by that environmental damage.]~~

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

The implementation of the polluter pays principle entails that if there is a decision that environmental damage provoked by an Exploitation shall be mitigated/compensated/restored, the measures to that end shall be paid by the Contractant, unless there are very exceptional circumstances (e.g. a war or a government’s instruction). “Consented activities causing unforeseen environmental damage” definitely don’t put the Fund first in line to pay.