TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS FOR THE 29TH 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.

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

Submitted by the International Marine Minerals Society (IMMS)

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

DR44 1 (i) from the consolidated draft text (ISBA/29/C/CRP.1) dated 16 February 2024.

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.**

    [(i) Apply the mitigation hierarchy to avoid, ~~minimize~~reduce, ~~mitigate, and, should it become feasible in the future, remediate and restore~~remediate and offset, as applicable, impacts to the Marine Environment caused ~~from harm caused~~ by activities in the Area];

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

DR 44.1 (i) is a repeat of DR 44.1 (g) above. While (i) should be deleted, our same comments/suggestions that we made to DR 44 (g) apply. While offsetting should be considered a last resort option, it is part of the mitigation hierarchy, and it is (internationally recognised) standard practice to consider it when making environmental management decisions. The regulation could simply state "Apply the Mitigation Hierarchy to ensure the effective protection of the marine environment" and a standard or guideline could be established to outline what the Mitigation Hierarchy entails.

The regulations are not the place to decide what is or is not feasible with respect to the mitigation hierarchy. The Mitigation hierarchy, and the feasibility of each tier, should be addressed through the EIA/EIS/EMMPs. When these undergo review by the LTC and stakeholders, it can be decided then whether an applicant has sufficiently covered the mitigation hierarchy and if what they are proposing is likely to be successful.   We also suggest using the word remediate, rather than restore.