

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal:

The Kingdom of the Netherlands

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

DR44

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.

The track changes highlighted in **yellow** represent our suggestions.

Regulation 44 [IWG ENV]

General Obligations

1. The Authority, Sponsoring States, the Enterprise, Contractors, flag [port States] [and the States of registry of or having authority over installations, structures, robots, and other devices] [where they are members of the Authority] shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise [directly or indirectly] from Exploitation in the Area, in accordance with Regulations as well as applicable Standards and taking into consideration Guidelines referred to in Regulation 45 and the relevant Regional Environmental Management Plan and to this end shall, as applicable in their respective areas of competence:

(a) Apply the precautionary principle or the precautionary approach as appropriate;

(a)bis. and Apply an ecosystem based approach to [the assessment management and prevention of risk of harm [in order to prevent and reduce of risk of harm] [avoidance of risk of harm][the prevention, assessment and management of risk of harm] to the Marine Environment from Exploitation in the Area;

(b) Apply the Best Available Techniques and Best Environmental Practices [and ensure the availability of sufficient information];

(c) Apply scientific-based approach and integrate—use the Best Available Science and Scientific Information;

(c)bis. Ensure the availability of sufficient science and scientific information for the purpose of decision-making;

~~(c)ter. Use and [where available, relevant traditional knowledge of Indigenous Peoples and local communities] in decision-making, where available;~~

(e) Apply the polluter pays principle ~~[approach] [having due regard to the public interest];~~

~~— [(e) Alt. Take into account the approach that the polluter should 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.]~~

~~— [(g) Apply the Mitigation hierarchy to avoid, minimize, mitigate, and should it become feasible in the future, remediate and restore the Marine Environment from harm caused by activities in the Area.]~~

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

In order to achieve a coherent system of ocean governance, it is important to align ocean related international instruments and frameworks with each other. The recently adopted BBNJ-Agreement is an example. With this textual proposal, the Kingdom of the Netherlands strives towards aligning the general obligations relating to the marine environment in the Regulations under the ISA with the general principles and approaches under the BBNJ-Agreement (Article 7), while also streamlining the draft regulation. With this approach, we aim to avoid future discussions on interpretation of slightly different formulated principles.

The Kingdom of the Netherlands reserves the right to make additional comments in the future, since many aspects of this draft regulation, like the mitigation hierarchy, are still under consideration by parties.