

Friends of the President Proposal for Draft Regulation 44ter

Questions for discussion:

1. Do we need strategic environmental objectives specific to vents and seamounts?

Regulation 44 ter

Environmental Goals and Objectives

Comments on amendments

1. In performing their roles and obligations under the Convention, the Agreement, and all relevant rules, regulations and procedures of the Authority, Contractors, the Enterprise, the Authority and its organs, and Sponsoring States shall be guided by the Strategic Environmental Goals and Objectives, set out in paragraphs 6 and 7.

2. The Council shall ensure that the Strategic Environmental Goals and Objectives pursuant to paragraphs 6 and 7 are operationalized through regionally and Mineral specific environmental objectives including [UK] in Regional Environmental Management Plans.

UK agrees with regional objectives being in REMPs but does not want to constrain options, ie that mineral-specific objectives can only be operationalised in REMPs.

3. The Council shall ensure that the Strategic Environmental Goals and Objectives pursuant to paragraphs 6 and 7 and the regionally and Mineral specific environmental objectives ~~in~~ Regional Environmental Management Plans- [del – UK] pursuant to paragraph 2 are further operationalised through environmental thresholds, developed pursuant to Regulations 45(2) and 94, prior to the assessment of the first application for a Plan of Work for exploitation.

UK amendment as per para 2.

4. [Alt 1. Contractors, applicants, the Council and the Commission] [original] [Alt.2 Contractors, the Enterprise, Sponsoring States, the Council and the Commission] [ESP] [Alt 3. Contractors, the Enterprise, the Authority and its organs, and Sponsoring States] [IT] shall ensure that a proposed Plan of Work reflects and contributes to the achievement of the Authority's ~~Strategic~~ including those [UK] Environmental Goals and Objectives, pursuant to paragraphs 6 and 7 as well as the relevant regionally and Mineral specific environmental objectives pursuant to paragraph 2.

Alt 2 specifically names all actors and leaves out the generic term “applicants”.

Alt 3 uses the same list of actors as paragraph 1.

UK: a Plan of Work shall reflect and contribute to all env. goals/objectives of the ISA (including potential regional ones in REMPs).

5. The Authority shall keep its Strategic Environmental Goals and Objectives under periodic review and ensure amendments to reflect advances in scientific research and knowledge, [technology \[ESP\]](#) and [new contributions from Indigenous Peoples and from local communities \[FSM\]](#). Where the Authority's Environmental [Goals and \[UK\]](#) Objectives are revised, the Commission shall:

- (a) inform Contractors, [the Enterprise \[ESP\]](#) and Sponsoring States and discuss whether any modification of a Plan of Work is required pursuant to Regulation 57; and
- (b) recommend to the Council any necessary amendments to other relevant instruments, including Standards, Guidelines, and Regional Environmental Management Plans.

FSM proposes to account for new contributions from Indigenous Peoples and from local communities, in line with text in DR 45(5).

6. The Strategic Environmental Goals are to [conserve \[ESP\]](#), sustain [and contribute to restoring \[UK\]](#) the ecological balance of the Marine Environment in accordance with Article 145 of the Convention [\[ACOPS\]](#), including [\[GER\]](#) marine ~~(benthic and pelagic)~~ [\[del – IT\]](#) ecosystem integrity, ~~including encompassing [GER]~~ the physical, chemical, geological and biological environment, ~~and contributing to restoring ecosystem integrity [del – UK]~~.

Italy: Specifically mentioning “benthic and pelagic” risks inadvertently missing something, eg sub-seabed ecosystems.

ACOPS suggest addition to reflect wording in Art 145.

UK & GER amendments are editorial.

Clean version: 6. The Strategic Environmental Goals are to conserve, sustain and contribute to restoring the ecological balance of the Marine Environment in accordance with Article 145 of the Convention, including marine ecosystem integrity, encompassing the physical, chemical, geological and biological environment.

7. The Authority's Strategic Environmental Objectives are to:

- (a) Prevent [non-negligible \[UK\]](#) loss of [biodiversity, including \[UK\] but not limited to \[ESP\]](#) genetic diversity, species richness [and evenness \[UK\]](#), habitat or community types, and structural complexity;
- (b) Maintain the ability of populations to replace themselves, including [but not limited to \[ESP\]](#) ensuring population connectivity and the preservation of suitable habitat;
- (c) Prevent significant changes in the distribution, abundance or productivity of ~~for [GER] species of flora and fauna [del – UK]~~;
- (d) Prevent further ~~risk jeopardy [replace – IT]~~ to endangered or threatened species or populations of said species;

UK: to better link ecosystem integrity (goal) to the elements of marine biodiversity (para 7(a)), UK suggests reference to the objective of maintaining biodiversity as a whole, before moving into more detail by listing the components that need to be considered to achieve this.

UK: Flora and fauna as a technical term only covers plants and animals, but all life should be covered, hence species is a better term.

Italy noted the term “jeopardy” is unclear. Germany suggests “risk” instead.

- (e) ~~Prevent the degradation of~~ [del – UK] Prevent the degradation and [ESP] sustain [UK] ecosystem functions (e.g. the long-term natural productivity of habitats, elemental cycling, trophic relationships);

UK considers that ‘sustain’ ecosystem functioning is more appropriate, as it means functions that are already occurring can keep occurring within their natural variability for that specific location.

Spain prefers to include both “prevent the degradation” and “sustain”.

- (f) Prevent ~~non-negligible risks of~~ [del - ESP] Contamination by pollutants, damage to species [UK] flora and fauna [del – UK], or other harmful effects to ecosystem integrity during any phase of the mining process;

(f alt) Reduce the risk of contamination by pollutants, especially those that may damage species, or any other pollutant with a risk to cause harmful effects to the Marine Environment (including effects on ecosystem integrity), the atmosphere and terrestrial environment during any phase of the mining process; [ESP]

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- (g) Prevent significant changes in the atmosphere, climate and weather patterns, the terrestrial environment, or the Marine Environment, including ocean currents [ESP];

Italy questions the separation of paragraphs (g) and (h) as they deal with similar issues.

- (h) Prevent ~~significant~~ [ESP] adverse effect on air and water quality;

- (i) Maintain resilience to prevent regime shift, and to support recovery from ~~cumulative impacts~~ Environmental Effects, including Cumulative Environmental Effects, arising from any phase of the mining process, including mining, [ESP] that can affect source populations and communities, connectivity corridors, life-history patterns and species distributions;

Amendments to reflect comments by Spain and to align terms with those defined in the Schedule.

- (j) Sustain ecosystem services, including carbon sequestration, recognizing that many are yet to be discovered;

- (k) Prevent ~~non-negligible-any~~ [replace - ESP] risks that will undermine the protection and conservation of the natural resources of the Area and the prevention of damage to the species [UK] flora and fauna [del – UK] of the Marine Environment;

- (l) Prevent ~~or avoid [ESP]~~ degradation, ~~or the risk of degradation [del – ESP]~~ or ~~reduce the risk of degradation [NRU]~~ to special biological, scientific, archaeological, or historical significance of the Area or the Marine Environment, ~~and [del – UK]. This shall include the Preserve-preservation of [UK]~~ vulnerable and unique marine ecosystems.

Nauru noted that “risks” can only be reduced, not prevented.

Spain notes that reducing risks of degradation may not be stringent enough, particularly as biological significance etc can be a reason for designating APEIs.

UK considers vulnerable and unique marine ecosystems as a category which could sit within the list detailed in paragraph (l), so suggest merging these two objectives, which we have reflected here.

Schedule

“**Strategic Environmental Goals and Objectives**” means the goals pursuant to Regulation 44ter (6) and the objectives pursuant to Regulation 44ter (7).