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Friends of the President (FoP) Group on Draft Regulation 44ter

"Environmental Goal and Objectives"

Draft Regulation 44ter - September

Background:

Germany continued to facilitate the Friends of the President (FoP) Group during the intersessional period after the 1st Part of the 31st Session of the Council in March 2026, and had prepared a revised version of DR 44ter and relevant Schedule definitions, as well as guiding questions and suggestions for the 2nd Part of the 31st Session of the Council in July 2026.

The Council deliberations on Draft Regulation 44ter, originally scheduled to take place on 23rd of July, had to be cancelled due to time constraints at the Council meeting. Germany therefore sought written submissions by 15 September 2026.

Written submissions have subsequently been received by CAN, ESP, GBR, ITA, JPN, NOR, RUS, SGP, and ACOPS.

The text of Draft Regulation 44ter below is based on the text contained in the Further Revised Consolidated Text, Rev. 3 from 19 June 2026 and contains amendments based on the above-mentioned written submissions received by 15 September 2026 as well as amendments by the ISA screenwriters as a result of the deliberations at Council during the March 2026 Session. We provide two versions of the same document:

1. A clean version showing only the track changes made in September 2026. Proposed deletions have been removed from the text. We intend to use this version as the working document for future revisions.
2. A track changes version which shows all changes added in September 2026, the ISA's screenwriter's suggestions from March 2026, and changes previously added between March and July 2026. This version is only provided for transparency.

Where textual amendments do not indicate which delegation proposed the amendments, the amendments were added by the Facilitators to give effect to general suggestions by delegations.

In preparing for the intersessional meeting of the Friends of the President Group on 29 October 2026, we request delegations to address the following **guiding questions:**

1. Which formulation in paragraph 2 does your delegation prefer?
2. Which version of paragraph 3 (Strategic Environmental Goal) does your delegation prefer?
3. Which formulation in paragraph 4(g) does your delegation prefer?
4. Is your delegation content with the new paragraph 4(k)?
5. Is your delegation content with Annex I to capture the details of the Strategic Environmental Objectives, which the group suggests moving to a Standard?
6. Does your delegation have any other comments on the suggested amendments made?

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[Regulation 44 ter]

Strategic Environmental Goal and Objectives

Brackets around the word “Strategic” are lifted, as the responses to our guiding questions from July 2026 demonstrated general agreement that the Strategic Environmental Goal and Objectives are distinct from the operational environmental goals and objectives in REMPs.

1. [ALT] In performing their roles and obligations under these Regulations, including in relation to Plans of Work, Contractors, Applicants, the Enterprise, the Authority and its organs, and Sponsoring States shall be guided by and implement the Strategic Environmental Goal and Objectives set out in this regulation.

Paragraphs 1 and 7 were merged into the new paragraph 1.Alt. This suggestion received support from 3 delegations, with 1 delegation being content with the change, and no delegation arguing against the change.

2. The Strategic Environmental Goal and Objectives in this regulation contribute to ensuring [Alt. provide guidance for] **(SGP)** effective protection for the Marine Environment from harmful effects that may arise from activities in the Area, in accordance with article 145 of the Convention.

Several delegations seem to support the wording “contribute to ensuring effective protection for the Marine Environment”, without defining the term “effective protection”. This is now reflected in the text.

The alternative wording “provide guidance for” was suggested by one delegation in May 2026. We invite delegates’ views on which formulation is preferred.

3. The Strategic Environmental Goal is to conserve and sustain Ecosystem Integrity of the Marine Environment.

[3.Alt The Strategic Environmental Goal is to ensure effective protection for the Marine Environment from harmful effects which may arise from activities in the Area].]

One delegation expressed concern that the term "ecosystem integrity" was "limiting in its definition of marine environment in article 145" and suggested paragraph 3.Alt instead, which is copied from Art. 145.

Previous discussions focused on whether the Strategic Environmental Goal should refer to "ecological balance" or "ecosystem integrity". Most state delegations appear to favour "ecosystem integrity", whereas one observer preferred "ecological balance". The second concern was whether the goal sufficiently includes abiotic factors.

The Facilitators note the following points:

- The intent of most delegations seems to be aligned, namely, to have a sufficiently broad but also meaningful Strategic Environmental Goal.
- The current Schedule definition of "Marine Environment" includes abiotic components. Moreover, paragraph 4(j) now includes a specific reference to non-living resources of the Area.
- The Standardised Procedure for REMPs (ISBA/30/C/21) includes the protection and conservation of ecosystem integrity as an environmental goal of REMPs.
- Art 145 specifically requires the Authority to "adopt appropriate rules, regulations and procedures" to give effect to Art 145. As such, the Authority's mandate requires more than the replication of the wording of Art 145. Therefore, the Facilitators suggest giving specific and practical effect to the provision's underlying intent. We seek views from delegates on how they prefer to achieve that. We see two options:
  A. Option A is to keep paragraph 3 (Ecosystem Integrity) and the Alt version of the Schedule definition of Ecosystem Integrity, which specifically includes abiotic factors. Moreover, paragraph 4(k.Alt) now contains a specific reference to "ecological balance".
  B. Option B is to use paragraph 3.Alt (effective protection) and include both "Ecosystem Integrity" and "ecological balance" within the Strategic Environmental Objectives in paragraph 4. This would require a new provision in paragraph 4 to refer to Ecosystem Integrity.

Field Code Changed

4. The Strategic Environmental Objectives, in relation to activities in the Area, are to:

One delegation suggests clarifying that the relevant impacts in several sub-sections of paragraph 4 must be linked to activities in the Area. This has been addressed through the amendment of the chapeau of paragraph 4.

The examples for various Strategic Environmental Objectives in paragraph 4(a), (b), (e), and (h) have been deleted and moved to Annex I of the present document, to reflect the responses received to the Facilitator's question on this point.

One delegation prefers retaining the examples, preceded by the phrase *"including but not limited to"* to clarify the non-exhaustive nature of the examples. Four other delegations prefer not including the examples in paragraph 4 with three of those delegations preferring to move them to a Standard, which allows for more frequent updating (one delegation was silent on whether the examples should be moved or deleted).

One delegation suggests the Phase 1 Standard on thresholds and indicators could incorporate environmental objectives and include the examples for the objectives as well as technical details and the links between the Strategic Environmental Objectives, regional environmental objectives, and indicators and thresholds. This suggestion is captured in Annex I.

(a) prevent loss of biological diversity ;

(b) maintain the [adaptive capacity and] (NOR) ability of populations to replenish themselves;

One delegation suggests adding "adaptive capacity" as populations may also need to adapt to environmental changes, such as warming oceans.

(c) prevent [Alt.1 significant changes] [Alt. 2 any discernible changes] [Alt.3 significant decline] (**SGP**) in the distribution, abundance, behaviour or productivity of species [and populations] (**NOR**);

One delegation suggests the new Alt.3 for two reasons: "First, "any discernible change" appears to be overly stringent, as species populations and their distribution and so on will change and fluctuate naturally. It may not be possible to prevent such changes, and these changes may not be caused by human activities at all. Second, the word "decline" more accurately represents the intention of this subparagraph."

(d) Protect and prevent further risk to endangered or threatened species or populations of said species, including those for which the conservation status is unknown;

(e) prevent the degradation of ecosystem functions and ecosystem services [from activities in the Area] [recognising that many ecosystem services are yet to be discovered];

While there was some divergence of views on paragraph 4(e), the suggested compromise seeks to address all concerns.

Four delegations prefer paragraph (e) with one delegation reasoning that "replacing the phrase "preventing the degradation" with "sustaining" ecosystem functions introduces a different and potentially higher obligation. […] this change goes beyond a drafting refinement and requires policy agreement."

Two delegations prefer paragraph (e.Alt), with one reasoning that using the "word 'sustain' or 'maintain' to describe ecosystem function acknowledges a level of natural variability, with no particular value ascribed to that variability. In our view, when value is ascribed, we then see that as ecosystem services, which in our view can be 'degraded'."

The suggested compromise is to keep paragraph (e) but add the words "from activities in the Area" to clarify that this objective is focused on negative impacts on ecosystem functions only from mineral activities, not from natural variability.

No delegation objected to the phrase "recognising that many ecosystem services are yet to be discovered", which is why we lifted the brackets around that phrase.

(f) [Alt.2] Prevent, reduce and control pollution and other hazards to the marine environment, [including the coastline] **(RUS)** [during all stages of Exploitation and Closure] with particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;

There was some divergence of views regarding paragraph 4(f) but the suggested compromise seeks to address all concerns. Paragraph (f).Alt.2 received most support (4 delegations), as it mirrors language from Art 145, and is now retained.

- One delegation prefers adding "including the coastline" as per Article 145.
- One delegation prefers the original paragraph (f) as it specifically applies to all stages of mining, including Closure. As a compromise, the relevant reference has now been added to (f).Alt.2.
- Two delegations prefer (f).Alt.1, though the preference seems to be about the length of the provision, rather than any particular disagreement about (f).Alt.2.

Some delegations suggested keeping paragraph (f) focused only on pollution, covering "other harmful effects" in a separate sub-section. This is now included in paragraph (k)Alt.

(g) prevent, reduce and mitigate adverse effects on air and water quality as well as significant changes [Alt. 1 in the atmosphere, climate and weather patterns, the terrestrial environment, or] [Alt 2. to] the Marine Environment;

(h) maintain resilience to prevent regime shift and to support recovery from Environmental Effects, including Cumulative Environmental Effects that can affect [source populations and] **(NOR)** communities, connectivity corridors, life-history patterns and species distributions];

(i) protect and conserve the natural resources of the Area and prevent [, reduce and mitigate] damage to the species of the Marine Environment;

(j) prevent damage to areas of special biological, scientific, archaeological, or historical significance in the Area or the Marine Environment [, including non-living resources of the Area];

(j.bis) protect and preserve vulnerable and unique as well as rare or fragile marine ecosystems;

(k) [Alt] prevent, reduce and control interference with the ecological balance of the Marine Environment and other harmful effects to the Marine Environment, not otherwise covered by this paragraph 4.

The new paragraph (k.Alt) addresses two concerns that have been raised:

1. Some delegations preferred moving the prevention of harmful effects other than pollution out of paragraph (f) as pollution is a particular type of harm that requires a specific response.
2. One delegation prefers reflecting the prevention of the interference with the ecological balance of the Marine Environment in the strategic environmental goal and objectives, which is wording taken from Article 145.

We seek views on this compromise solution.

[(l) placeholder for an environmental objective related to the mitigation hierarchy.]

5. [Alt. to paragraphs 5 and 6)]: The Council shall ensure that the Strategic Environmental Goal and Objectives established pursuant to this regulation are operationalized in a progressive and integrated manner, including through region-specific environmental objectives as set out in Regional Environmental Management Plans, environmental measures, and environmental thresholds.

Several delegations support merging paragraphs 5 and 6, which is now included as 5.Alt with the brackets for that paragraph lifted. Paragraphs 5 and 6 are therefore deleted. No delegation argued against the change. Two delegations suggest deleting the last part of paragraph 5.Alt, which is now deleted.

One delegation raised concern that the wording could suggest there might be regional environmental objectives outside of REMPs. To address the concern, the Facilitators suggest the indicated changes to clarify that regional environmental objectives are those included in REMPs and that environmental measures is a broader category (which can include e.g. site-specific measures by Contractors as captured in the EMMP). This also aligns with the responses we received to the Facilitators' first question regarding the relationship between the SEGOs, REMPs, and thresholds.

Paragraph 7 has been deleted as it was merged with the new paragraph 1.

Paragraph 8 has been deleted, as the proposal to delete this paragraph has been supported by 3 delegations with no delegation arguing against it. One delegation reserved its position.

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Schedule:

"Ecosystem Integrity"	[means the ability of an ecosystem to support and maintain ecological processes and a diverse community of organisms. It is measured as the degree to which a diverse community of native organisms is maintained, and is used as a proxy for ecological resilience, intended as the capacity of an ecosystem to adapt in the face of stressors, while maintaining the functions of interest.] Alt: means the state or condition of an ecosystem, assessed by reference to its original state or an appropriate reference condition within the range of natural variation, in which its composition, structure and functions are maintained, restored or enhanced, such that the ecosystem retains its characteristic biodiversity and ecological processes as well as its capacity to deliver ecosystem services and recover from disturbance. It also includes the integrity of physical, chemical and geological characteristics and processes that underpin ocean systems, including ocean-atmosphere interactions.

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Annex I

Information to be moved from DR44ter into the Phase 1 Standard on Thresholds & Indicators

Within the context of the Friends of the President Group on DR 44ter, delegations decided in September 2026 to move some information from DR 44ter into a Standard.

The group identified the *Standard on the Development and Implementation of Environmental Threshold Values and Indicators* as suitable for the information.

The Friends of the President Group suggests for the aforementioned Standard to include the following information:

- Details on the links between the Strategic Environmental Goal and Objectives, REMPs, thresholds and other relevant environmental management measures.
- Technical details on the Authority's Strategic Environmental Goal and Objectives, including the following specific examples for the Strategic Environmental Objectives (see yellow highlighting), which were included in the wording of DR 44ter of the Further Revised Consolidated Text (Rev 3) from 19 June 2026.

4. The Strategic Environmental Objectives are to:

(a) prevent loss of biological diversity, [including but not limited to genetic, species or functional diversity, habitat or community types, and structural complexity];

(b) maintain the ability of populations to replenish themselves, [including but not limited to ensuring population connectivity and the preservation of suitable habitat];

…

(e) prevent the degradation of ecosystem functions and ecosystem services [including but not limited to carbon sequestration];

…

(g) prevent, reduce and mitigate adverse effects on air and water quality as well as significant changes [in the atmosphere, climate and weather patterns, the terrestrial environment, or] [to] the Marine Environment;

(h) maintain resilience to prevent regime shift and to support recovery from Environmental Effects, including Cumulative Environmental Effects, [including but not limited to those resulting from mining [and climate change], that can affect source populations and communities, connectivity corridors, life-history patterns and species distributions];