



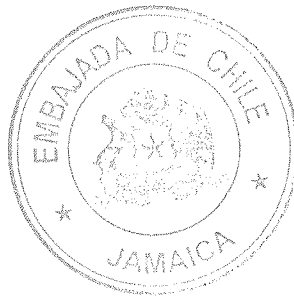
*Permanent Mission of the Republic of Chile
To the International Seabed Authority*

Kingston, Jamaica, W.I.

Note N° ISA/016/2022

The Permanent Mission of the Republic of Chile to the International Seabed Authority presents its compliments to the Secretariat of the International Seabed Authority and has the honour to share with you the attached template proposals and text amendments, according to the deadlines established during the past Second Part of the Council.

The Secretariat of the
International Seabed Authority
KINGSTON



Kingston, August 30, 2022

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART II**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

CHILE

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

Preamble

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.

In accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”),

Ensuring the effective protection for the marine environment from harmful effects, which may arise from the activities in the Area, in accordance with Article 145 of the Convention.

(...)

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

La enmienda obedece a la importancia de tener presente que de manera transversal en todo el texto del código minero, debe considerarse el mandato de asegurar la protección efectiva del medio ambiente marino.



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Reg. 20

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3. The Contractor shall supply such documentation as may be specified in the Guidelines. If the Contractor wishes to make any changes to a Plan of Work ~~and such changes are Material Changes~~, the contractor shall submit a revised Plan of Work.

7. Each renewal period shall be a maximum of 10 years. A maximum of two renewals may be requested.

10. An exploitation contract in respect of which an application for renewal has been made ~~shall~~, may for a maximum of three months after its expiry date and only under extraordinary circumstances, despite its expiry date, remain in force until such time as the renewal application has been considered and its renewal has been granted or refused.

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

3. La racional de esta enmienda obedece a que es difícil de definir cambios sustanciales, y cualquier tipo de cambio del plan de trabajo debe generar una revisión de este por parte del contratista. Se debe actuar de forma responsable respecto de un área que es Patrimonio común de la humanidad.

7. La enmienda sugerida se basa en la necesidad de contar con un máximo de renovaciones. Se debería estipular un tiempo máximo de explotación de un área por parte de un contratista. Por ejemplo, un contrato y dos renovaciones. De lo contrario, no habría razón alguna para dejar de explotar y poner así en marcha el plan de cierre, tratando de restaurar de alguna forma el lugar explotado a como estaba antes de la explotación.

10. Si el contratista comienza el trámite de renovación varios meses antes de la fecha de expiración del contrato, no debiese considerarse la posibilidad de dejar abierto este periodo de gracia. Podría sugerirse que este no fuese superior a 3 meses y atendido solo a circunstancias extraordinarias.



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Reg. 24

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.

2. Where there is a change of control of the Contractor, or there is a change of control in any entity providing an Environmental Performance Guarantee on behalf of a Contractor, the Contractor shall, ~~where practicable~~, notify the Secretary-General in advance of such change of control, but in any event within 90 Days thereafter (...).

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

La racional de esta enmienda obedece a que este concepto de “cuando sea practicable” es bastante subjetivo. Se debe actuar con responsabilidad respecto del Patrimonio común de la humanidad y el Contratista siempre deberá notificar al SG con contenido de esta regulación.



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Reg. 41

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.

2. If the contractor presents an interest in the Exploration for and Exploitation of such finds must be the subject of a separate application to the Authority, in accordance with the relevant Rules of the Authority.

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

La racional de esta enmienda obedece a que se aclarare el hecho que el Contratista no se encuentra obligado a explorar ni a explotar los Recursos que encuentre en su Área y que no estén comprendidos en su contrato.



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Reg. 44 bis

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Alt 1

An application for a Plan of Work shall not be considered by the Commission until and unless a Regional Environmental Management Plan has been adopted by the Council for the particular area concerned. In the event that an application for a Plan of Work is submitted for an area where no such Regional Environmental Management Plan exists, the drafting of a Regional Environmental Management Plan applicable to the area in concern shall be prioritised and adopted ~~as soon as possible according to the best available science, without any undue delay, taking into account Section 2, Article 15 b/c of the 1994 Implementing Agreement.~~

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

La racional de esta enmienda obedece a que no parece apropiada la mención a la sección 2 del Acuerdo de 1994, que se refiere a la empresa, y que no tiene artículo 15.



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Reg. 93

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7. Notice to the Secretary-General constitutes effective notice to the Authority for all purposes under these regulations, and the Secretary-General is the Authority’s agent for the service of process or notification in any proceeding of any court or tribunal having jurisdiction.

8. The Secretary-General shall, as soon as practicable, inform all members of the Authority of any notice received or given, as agent of the Authority, in any proceeding in any court or tribunal having jurisdiction.

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

La racional de esta enmienda obedece a que se deben ir consagrando en el texto las obligaciones de los distintos órganos de la Autoridad y delimitar las funciones del Secretario general, en este caso, de informar a los Estados miembros cuando sean recepcionadas este tipo de notificaciones judiciales o realizadas en nombre de la Autoridad. Esto, para favorecer y entregar una mayor transparencia en el marco de la Autoridad.



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Reg. 95

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Regulation 95
Issue and adoption of Guidelines

1. ~~The Commission or the Secretary-General shall develop technical , from time to time, issue Guidelines and the Secretary-General shall develop of a technical or administrative guidelines nature,~~ at the request of the Council and taking into account the views of relevant Stakeholders. Guidelines will support the implementation of these regulations from an administrative and technical perspective.
2. ~~The full text of such Guidelines shall be reported to the Council~~ The Council shall consider and approve the Guidelines developed by the Commission and the Secretary-General. Should the Council find that a Guideline is inconsistent with the intent and purpose of the Rules of the Authority, it may request that the guideline be modified or withdrawn.
3. ~~The Commission or the Secretary-General shall keep under review such Guidelines in the light of improved knowledge or information.~~

3 Bis

Guidelines adopted by the Council shall be revised at least every five years from the date of their adoption or revision, and in the light of improved knowledge or technology and on the request of the Council."

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

La racional es que Chile considera apropiado delimitar la función del SG solo a la facultad de elaborar directrices de carácter administrativa, y al LTC la de elaborar directrices de carácter técnico. Asimismo, tanto el LTC como el SG deberían elaborar dichas directrices por solicitud expresa del Consejo. Pudiendo ambos llevar al Consejo sus inquietudes y propuestas en la elaboración de ciertas directrices, pero que sea este órgano quien lo mandate a elaborarlas. Asimismo, las directrices también deban ser revisadas al menos cada cinco años desde la fecha de su adopción o revisión, y a la luz de los mejores conocimientos o tecnologías, tal como se indica en la regulación 94.4 respecto de la necesidad de revisión de las normas. Esa es la racional detrás de la sugerencia de nuevo párrafo 3 o un 3 bis y enmendar el título y el siguiente párrafo, en la misma línea que el 94.4.

