

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:

COUNCIL - PART I

Informal Working Group – Institutional Matters

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: Republic of Costa Rica

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

Regulation 4, Part I - ISBA/25/C/WP.1

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.

Regulation 4

Protection measures in respect of coastal States

...

3. Any coastal State which has grounds for believing that any activity under a Plan of Work in the Area by a Contractor is likely to cause ~~Serious-H~~harm or a threat of ~~Serious-H~~harm to its coastline or to the Marine Environment under its jurisdiction or sovereignty, or the exploitation by the contractor of resources lying within a States’s national jurisdiction without the relevant State’s consent, may notify the Secretary-General in writing of the grounds upon which such belief is based. The Secretary-General shall immediately inform the Legal and Technical Commission, the Contractor and its sponsoring State or States of such notification. The Contractor and its sponsoring State or States shall be provided with a reasonable opportunity to examine the evidence, if any, and submit their observations thereon to the Secretary. ~~General within a reasonable time.~~

...

5. If the Commission determines that the ~~Serious-H~~harm or threat of ~~Serious-H~~harm to the Marine Environment, which is likely to occur or has occurred, is attributable to a breach by the Contractor of the terms and conditions of its exploitation contract, the Secretary-General shall notify the Sponsoring State and the Council shall issue a compliance notice pursuant to regulation 103 or direct an inspection of the Contractor’s activities pursuant to article 165 (2) (m) of the Convention and Part XI of these regulations.

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

1- The threshold should be the one from article 145 UNCLOS, “harmful effects”, not serious harm. For this reason, “serious” should be deleted. States shall also be able to report the exploitation of resources within national jurisdiction so that their rights may be protected.

2- The threshold should be the one from article 145 UNCLOS, "harmful effects", not serious harm. For this reason, "serious" should be deleted. The Council should be the organ issuing the compliance notice.