

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

COUNCIL - PART I

Informal Working Group - Environment

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 46ter, Part IV - ISBA/27/C/IWG/ENV/CRP.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 46ter Environmental monitoring

1. The Contractor, through the Environmental Management and Monitoring Plan required under Regulation 48, shall observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects ~~of pollution and other hazards~~ to the marine environment of the mining operation following the approval of the Plan of Work. It shall keep under surveillance the effects of the mining operation to determine whether it is likely to have harmful effects on the marine environment.
2. The Contractor shall cooperate with the Authority and the sponsoring State or States in the establishment and implementation of monitoring programmes.
3. The Contractor shall report annually in writing to the Secretary-General on the implementation and results of the monitoring programme referred to in paragraph 2, in accordance with regulation 38, paragraph 2(g), and shall submit data and information, in accordance with the relevant Standards, and taking into account the relevant Guidelines and recommendations issued by the Commission. The SecretaryGeneral shall transmit such reports to the Commission for its consideration pursuant to article 165 of the Convention.
4. In implementing paragraph 1, the Sponsoring State and Contractor shall maintain consultations, including a system of prior notification, with any coastal State across whose jurisdiction resource deposits in the Area lie, with a view to avoiding infringement of their rights and legitimate interests, in accordance with Regulation 4.

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

- 1- The legal instruments of the regulations such as the Environmental Management Plan and Monitoring Plan, must aim to protect any kind of risks or effects to the marine environment.

2- To be consistent with UNCLOS, article 142 paragraph 1, which states that activities in the area “shall be conducted with due regard to the rights and legitimate interests of any coastal State across whose jurisdiction such deposits lie”