

**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 and send to council2022@isa.org.jm.

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

Federated States of Micronesia

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

Draft Regulation 46bis(7)

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.

7. In the conduct of the environmental impact assessment, 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 or otherwise has jurisdiction over a maritime zone that is adjacent to the location of the mining operation in the Area, with a view to avoiding infringement of their rights and interests, including in accordance with Regulation 4.

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

Draft regulation 4, as currently drafted, refers to protection measures in respect of any “coastal States” whose maritime zones could suffer Serious Harm from activities in the Area, without limiting that reference to just those coastal States across whose jurisdictions resource deposits in the Area lie. In our view, this expansive view in draft regulation 4 is the appropriate framework within which to address the rights, interests, and potential impacts on coastal States from activities in the Area, including in the preparation of environmental impact assessments, given the connectivity (ecological, physiochemical, biological, cultural, etc.) of the Marine Environments of the Area (and the water column above the Area) on the one hand, and adjacent maritime zones under the jurisdiction of coastal States on the other hand. We also propose inserting the word “including” in the last sentence of paragraph 7, to clarify that the rights and interests of coastal States in this regard are not limited to the ones addressed in the specific context of draft regulation 4.

We have made a similar proposal for draft regulation 46ter(4), which we submitted on 15 April 2022.