

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

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

SPAIN

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

Regulation 4

3. Kindly provide the proposed amendments to the regulation 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.

1. Nothing in these regulations affects the rights of coastal States in accordance with article 142 ~~and other relevant provisions~~ of the Convention.

4. If the Commission determines, taking account of the relevant Guidelines, that there are clear grounds for believing that Serious Harm to the Marine Environment is likely to occur, it shall recommend that the Council issue an emergency order pursuant to article 165 (2) (k) of the Convention. ~~Such recommendation shall be taken up by the Council on a priority basis.~~

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

This DR should exclusively refer to Article 142 of the Convention (“Rights and legitimate interests of coastal States”). It is intended to protect the interests of coastal States with respect to activities in the Area and to prevent or alleviate controversy between the Authority and contractors on one hand and coastal States on the other. This relates both to resources that straddle the boundary between the Area and the continental shelf and to the protection of the coastline and related interests of the coastal States against grave and imminent danger from pollution and threat thereof or other hazardous occurrences resulting from or caused by activities in the Area. The article gives recognition to the fact that coastal States have rights (and obligations) relating to protection of the marine environment and that due regard should be given to the rights and legitimate interests of coastal States in the exploitation of seabed mineral resources that lie across a State’s jurisdiction (Virginia Commentary, p. 152).

“Serious Harm to the Marine Environment” is the threshold used in article 165 (2) (k) of the Convention. The priority status is mentioned in the above-mentioned article.