

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART 3**

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:

African Group of 47 Member States

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

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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.

1. The Commission shall, taking into account the views of ~~[recognized experts,]~~ [recognized experts identified in accordance with annex X] ~~relevant~~ Stakeholders and relevant existing internationally accepted standards, make recommendations to the Council on the adoption and revision of Standards relating to Exploitation activities in the Area, including standards relating to, *inter alia*:

[Regulation 94 Alt

Adoption of Standards

1. ~~Standards and amendments thereto are binding on all persons operating in the Area.~~
2. ~~Standards are prepared by the Commission, which shall take into account the views of recognized experts, relevant Stakeholders, and relevant existing international standards, and make recommendations to the Council on the adoption and revision of Standards. The Council shall consider and approve the Standards upon the recommendation of the Commission. If the Council does not approve such Standards, the Council shall return the Standards to the Commission for reconsideration in the light of the views expressed by the Council. The Standards may be revised at least every five years from the date of their adoption or revision, and in the light of improved knowledge or technology. The Standards approved by the Council shall remain effective on a provisional basis until approved by the Assembly or until amended by the Council in the light of any views expressed by the Assembly.~~
3. ~~Standards may be adopted in relation to:~~
 - (a) ~~health, safety and labor matters;~~
 - (b) ~~the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment;~~

~~(c) the prevention, reduction and control of pollution and other hazards to the Marine Environment, including the coastline, and of interference with the ecological balance of the Marine Environment, particular attention being paid to the need for Iju protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of Installations, pipelines and other devices related to such activities; and~~

~~(d) other matters.~~

~~4. Standards may include both qualitative and quantitative norms, as well as the methods, processes and technologies necessary to comply with the standards.]~~

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

para 1, we seek some clarity on the three sub-categories of standards, noting that these categories are not reflected in the standards and guideline development process documentation and that one of them has a detailed regulation of its own, i.e. reg 45: *Development of environmental standards and guidelines*. perhaps the examples listed in reg 45 could be moved here?

Also, it might be pertinent to include '*inter alia*' prior to this list so as not to restrict development of future Standards which might fall outside of these categories.

Additionally, we note that Annex X is an annex detailing Standard Clauses for the Exploitation Contract, and as such does not contain any process or procedure for identification of experts. While we agree that identification of experts is important, we are not sure that there is currently any Annex containing such a process or procedures. If this Annex is needed, we wonder if the proponent who recommended this insertion would talk further on their intentions for such an Annex.

para 4 is the first time that the Assembly is mentioned in relation to the approval of Standards. We would like to remind the Council of the discussion in document ISBA/26/C/2 which details that the Commission had recommended that DR 94 be amended to reflect that standards should be approved by the Assembly. As such, we suggest that language through DR94 reflect this recommendation.

proposed Alternate Regulation 94, we do not support its inclusion and believe that the original text with the facilitator's amendments provides a more detailed understanding of the processes of adoption of Standards. We disagree in particular with paragraph 1 of Alt 1 that states "*Standards and amendments thereto are binding on all persons operating in the Area*" as this could be interpreted as requiring other industries to follow Standards developed for Exploitation.