

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

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

IWG Institutional Matters

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

SPAIN

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

Draft Regulation 4

~~4.~~ 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.

4.

1. ~~Nothing in these regulations affects the rights and legitimate interest of coastal States in accordance with article 142 and other relevant provisions of the Convention, including its provisions on consultation, prior notification, and the taking of measures.~~

2. The Secretary-General shall inform potentially affected coastal States, as identified in the applicable Regional Environmental Management Plan, upon the submission of an application for exploitation. Appropriate consultation and notification protocols will be developed.

3. Contractors shall take all measures necessary to ensure that their activities are conducted so as not to cause harmful effects to the Marine Environment, including, but not restricted to, pollution, damage to the flora and fauna, ecological balance and other hazards to the Marine Environment in areas under the jurisdiction or sovereignty of coastal States, and that such harmful effects or pollution arising from activities in its Contract Area does not spread into areas under the jurisdiction or sovereignty of a coastal State. Such measures shall include consulting with any potentially affected coastal State with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.

4. Such measures shall include consulting with any potentially affected coastal State prior to submitting an application for approval of a Plan of Work. Monitoring of potential transboundary impacts, accurate and precise recording of the operational area, and consultations with any potentially affected coastal State shall be maintained by the Contractor throughout the term of the Contract, with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.

Area 565. Any coastal State which has grounds for believing that any activity under a Plan of Work in the by a Contractor is likely to cause harm or a threat of harm to its coastline or to the Marine Environment under its jurisdiction or sovereignty, shall 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 or the Enterprise of such notification. The

Contractor and its sponsoring State or States or the Enterprise shall be provided with a reasonable opportunity to examine the evidence, if any, and submit their observations thereon to the Secretary-General in the shortest possible time.

~~6.10.10.)~~ If the Commission determines, taking account of the relevant standards and Guidelines, that there are clear grounds for believing that Serious Harm or the threat of Serious Harm to the Marine Environment is likely to occur, it shall recommend that the Council issue an emergency order, which may include an order for the suspension or adjustment of operations, pursuant to article 165(2)(k) of the Convention and take all necessary measures to prevent Serious Harm to the Marine Environment. Such recommendation shall be taken up by the Council on a priority basis.

~~7.11)~~ If the Commission determines that the harmful effects or Serious Harm, or threat of harmful effects or Serious 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) (n) of the Convention and Part XI of these regulations.

~~8.12.~~ In the case of harmful effects to the Marine Environment within any national jurisdiction resulting from the activities of the Contractor, or in the case of exploitation of resources lying within national jurisdiction without the relevant State’s consent, the Contractor shall be strictly liable for any response and clean-up costs, and for any damage that cannot be fully contained, mitigated or repaired, the Authority, shall require the Contractor to pay compensation, proportionally to the damage caused.

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

Spain supports the current wording of the DR 4. It considers that the regulation protects the rights and interests of the coastal States regarding the potential impact of exploitation activities in a contract area. It is not necessary to introduce the notion of “adjacent coastal States” because the potentially affected coastal State will be identified geologically according to paragraph 2.