

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Institutional Matters

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

Russian Federation

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

Reg. 2

**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.**

1. These regulations, and any decision-making thereunder, shall be applied in conformity with the principles governing the Area embodied in Section 2 of the Part XI, ~~with policies set out in Section 3 of the Part XI~~ ~~and in Part XIII~~ of the Convention ~~and relevant provisions of the Agreement~~.

2. Recognizing that the rights in the Resources of the Area are vested in humankind as a whole, on whose behalf the Authority shall act, Exploitation in the Area shall be carried out for peaceful purposes and for the benefit of humankind as a whole, taking into particular consideration the interests and needs of developing States, [and] while ensuring the effective protection of marine environment from harmful effects which may arise from such activities in the Area ~~{consistent in accordance~~ with Article 145 of the Convention ~~}; including [biological diversity and ecological integrity]~~ [its flora and fauna]

[3 alt 1. Exploitation shall not be authorized in the Area unless, ~~inter alia, phase one and two Standards and Guidelines~~ ~~measures~~ are adopted ~~to ensure, and~~ effective protection of the Marine Environment from harmful effects ~~can be ensured consistent in accordance~~ with Article 145 of the Convention ~~[and including biological diversity and ecosystem integrity]~~ [and effective protection of human life in accordance with Article 146 of the Convention]. ~~This does not prejudice preference and priority for a plan of work on exploitation in accordance with Article 10 of Annex III of the Convention.~~

~~[3 alt 2. Exploitation in the Area shall not commence until:~~

~~(a) the legal framework intended for the effective protection and preservation of the Marine Environment has entered into force [and the Authority has adopted an environmental policy];~~

~~(b) the implementation of [Target 3 of] the Kunming-Montreal Global Biodiversity Framework is well on track in the area beyond national jurisdiction; and~~

~~(c) scientific evidence demonstrates that Exploitation will be conducted in such a manner so as: not to cause significant and harmful changes to the Marine Environment and its resources, to effectively protect and preserve the Marine Environment pursuant to article 145 and Part XII of UNCLOS [including biological diversity and ecosystem integrity], and not to impede the full implementation of [Target 3 of] the Kunming-Montreal Global Biodiversity Framework in the area beyond national jurisdiction.~~

4 alt. The following principles and approaches shall guide the application of these regulations:

~~(a) bis principles of non-discrimination and uniformity~~

~~(a) Intergenerational equity regime of common heritage of mankind~~

~~(c) Ecosystem ~~{based management}~~ approach.~~

~~(f) Transparency, ~~inclusivity and accountability~~ in decision-making; including effective stakeholder involvement and public participation as set out in these Regulations;~~

~~(g) The use of Best Available Scientific Information as defined by the Council;~~

~~(h) The use of relevant traditional knowledge of Indigenous Peoples and local communities where available.~~

~~5. These regulations shall be also applied in conformity with the policies relating to activities in the Area established in article 150 and 151 of the Convention and related principles contained in the Annex of the Agreement; as well as the environmental policy of the Authority.~~

~~[6. The application of these Regulations shall ensure the right of Members of the Authority to participate in deliberations on matters particularly affecting it in accordance with Article 161(9) of the Convention. Members of the Authority, Sponsoring States, Contractors, and the Authority shall ensure public trust and regulatory integrity, and shall not engage on decisions in which they have a conflict of interest.]~~

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

2. We stress the need to use “in accordance with” in references to specific rules of the Convention. 3alt1. This provision id without prejudice to rights of contractors to submit applications for the Exploitation phase and should be clearly indicated. It is our preference to use the term “measures”, comprehensive term of the Convention. 4(ALT). It is proposed to incorporate such important principles in Regulation 2 (e.g. as subpara (a)bis). Relevant provision could also be kept in Regulation 1, likewise with respect to the protection of the Marine Environment.

It is not clear, what is meant by “intergenerational equality”. That is the reason to use the wording of the Convention in subpara. (a).

Regarding subpara. (g) it is important to indicate the role of the Executive organ of the Authority in definition BASI.

Subpara (h), in our view, is covered with subpara (f) on stakeholders participation.

5. All principles and policies of the Convention are of great importance. It is proposed to indicate them together in para.1.

6. The concept of “a conflict of interest” is not in line with the Convention. It is proposed to promote rules of the Convention, including article 161(9).