

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

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

Russian Federation

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

Reg. 4

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 bis. . The Council shall elaborate standardized criteria for the definition of potentially affected coastal States. During the consideration of an application for Exploitation the Council shall define the list of potentially affected coastal States and address the issue of the relevant rights of coastal States.

2. Contractors shall take in conformity with rules, regulations and procedures of the Authority all measures required and 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 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 Incidents or activities in its Contract Area do not spread into areas under the jurisdiction or sovereignty of a coastal State.

3. Contractor measures pursuant to paragraph 2 Such measures by Contractors shall include:

(a) [Targeted and proactive consultations with any potentially affected coastal State in accordance with Article 142 of the Convention; Regional Environmental Management Plan]~~and as identified in the relevant~~, prior to submitting an application for approval of a Plan of Work;

(b) Maintaining throughout the term of the contract:

(i) Monitoring of potential transboundary impacts;

(ii) Accurate and precise recording of the operational area in conformity with these Regulations; and

(iii) Consultations with ~~any~~ potentially affected coastal State, in conformity with these Regulations, with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.

4. Any coastal State which has grounds for believing that any activity under a Plan of Work in the Area by a Contractor or the Enterprise is likely to cause harmful effects or a threat of harmful effects to its coastline or to the Marine Environment under its jurisdiction or sovereignty, or may result in Exploitation by the Contractor of resources lying within national jurisdiction without the relevant State’s consent, shall notify the Secretary-General in writing of the grounds upon which such belief is based. The Secretary-General shall ~~immediately promptly~~ inform the ~~{Commission, the Council}~~, and 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~~ provided by the coastal States as the basis for its belief, and submit their observations thereon to the ~~[Authority Secretary-General]~~ in the as soon as reasonable practicable

~~shortest possible time.~~

~~5. Regulation 4(5) shall apply mutatis mutandis to~~

~~a~~Any State with grounds for believing that ~~such~~ harmful effects to the Marine Environment or threat of harmful effects

~~may be~~ caused in any location by an activity under a Plan of Work, ~~and the procedure established in Regulation 4(7) shall also apply.~~

shall notify the Secretary-General in writing of the grounds upon which such belief is based. Secretary-General shall promptly inform the Commission, the Council, and Contractor of relevant Regional Environmental Management Plan Area and their Sponsoring State or States or the Enterprise, of such notification. The Contractor and their Sponsoring State or States or the Enterprise shall be provided with a reasonable opportunity to examine the evidence, provided by the coastal States as the basis for its belief, and submit their observations thereon to the Authority. The Council shall consider such information.

7. 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, ~~[and the Authority shall require the Contractor to pay compensation, proportionally to the damage caused]~~ ~~[and taking into account any compensation already claimed against the Contractor in national proceedings brought in accordance with Article 235 of the Convention].~~

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

Regarding para 3(a) it should be noted that the definition of potentially affected coastal States goes beyond exclusive competence of Contractor but involves the Authority, in particular to ensure a uniform approach.

From our point of view, criteria for these purpose are relevant and may be established by the Council (para 1bis).

5. Rights and interests of coastal States are a specific matter in accordance with the Convention. Therefore, para. 4 could not be applied mutatis mutandis to harmful effects "in any location".