

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

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:

The Pew Charitable Trusts

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

DR 93 ter

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.

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

We do not have textual proposals for DR 93ter at this point, but would like to register our support for a standalone requirement, as proposed in this regulation, that provides greater clarity on coastal state consultation processes. Generally, the scope of who is classified a ‘coastal state’, an ‘adjacent coastal State’, or a ‘potentially affected coastal State’, and who gets consulted at different decision points and how, should continually be pushed to be as broad as possible, as it is currently unknown how far mining impacts might travel.

For that reason as well, we believe it would be beneficial to have an overarching provision in the regulations on coastal State consultations, and to have a Standard with more detailed consultation process requirements, in case the procedures need to change over time, in light of new scenarios that had not been anticipated before.

Generally, the recently adopted BBNJ agreement should serve as the basis for text in these regulations on the rights and duties of coastal States and consultation procedures. Alignment with the BBNJ agreement will be critical in harmonizing the provisions of the draft exploitation regulations with the overall legal framework of the BBNJ agreement. Relevant language from the BBNJ agreement is also a good starting point to develop DR 93 ter and any Standards pertaining to coastal State consultations. Relevant provisions would include - Articles 21 (2) on consultations and assessments of proposals, Article 32 on public notification and consultation and Article 37 on review of activities.

In practical terms, the implementation of this regulation would benefit from targeted discussions on questions regarding,

- How the Council will make a determination, in the face of an objection to a State that identifies itself as potentially affected?
- If the use of “marine resources” is intended to cover both living and non-living resources, and

- The required timing for developing Standards and Guidelines associated with these target consultations: should it be before receipt of any application?