

Regulation 93 ter [President's Text]

Consultations with [potentially most affected] [coastal] States

1. [Meaningful] cConsultations, including a system of prior, active, timely and effective notification with States potentially most affected by the planned exploitation activity [with a view to avoid infringement of their rights under the Convention and/or achieving acceptable solutions regarding measures to be adopted in order to prevent significant harm in their territory or in other places under their jurisdiction or control], shall take place, [following standards and taking into account the guidelines, at appropriate stages of preparation and execution of a plan of work by the contractor. The outcomes of such consultations shall be included in the] ~~at~~ different stages of preparing a Plan of Work, and at appropriate times during and at cessation of Exploitation activities, ~~in particular~~ at the development of:

(a) Scoping [report].

[b) Environmental Impact Assessment].

[c) Environmental Impact Statement.]

[d) Environmental Management and Monitoring Plans.]

[e) Performance Assessment of the Environmental Management and Monitoring Plan]

(e) Any review/update of the Environmental Plans in light of Material Change.

[f) Closure Plans.]

[g) Any review/update of the above documents [in light of] [required by] material change]

2. States should self-identify as being potentially most affected taking into account the potential effects of the [activity carried out in the area covered by the Plan of Work] planned activity and shall include:

(a) [Adjacent] cCoastal States, [which may include those that are adjacent to the area covered by the Plan of Work], ~~-whose [exercise of]~~ sovereign rights for the purpose of exploring and exploiting, conserving or managing Marine natural resources [in accordance with the Convention] ~~-may be affected. by the activity carried out in the area covered by the Plan of Work.~~

(b) [Adjacent] cCoastal States, [which may include those that are adjacent to the area covered by the Plan of Work] whose exercise of jurisdiction with regard to the Protection and Preservation of the Marine Environment [in accordance with the Convention] may be affected. ~~by the activity carried out in the area covered by the Plan of Work.~~

(c) Coastal States identified by the relevant REMF as potentially affected.

[(d) States that carry out, in the area of the planned Exploitation activity, any activities, including economic activities, or Marine Scientific Research, that may be believed to be affected ~~by the activity carried out in the area covered by the Plan of Work.~~]

[Alt.

(a) States whose rights under the Convention may be denied, impaired or otherwise affected by the activity carried out in the area covered by the Plan of Work.

(b) States that may suffer significant harm to persons, property or the environment in their territory or in other places under their jurisdiction or control, as a result of the activity carried out in the area covered by the Plan of Work.]

3. [As appropriate,] the Secretariat, [Contractor, Sponsoring State and/or other States or relevant bodies] should [provide technical, financial and advisory support]~~assist, upon request,~~ to developing States, including small islands developing States, upon request, to identify potential effects of the planned activity on Marine areas and their resources under their jurisdiction.

[4. This support should encompass an assistance mechanism, along with training and mentorship programs, to bolster local capacities].

[5. Procedures for consultations with potentially most affected States shall be further developed in Standards and Guidelines].

[6. The [Contractor] [Sponsoring State] shall develop contingency plans for responding to emergencies, in cooperation with the Authority and potentially most affected States.]

[7. The [Contractor] [Sponsoring State] shall, without delay and by the most expeditious means at his disposal, notify potentially most affected States of an emergency concerning a planned activity and provide them with all relevant information]

8. Consultations with coastal States across whose jurisdiction resource deposits lie, shall take place, pursuant to article 142(1) and (2) of the Convention and in accordance with Regulation 93 quarter.

Regulation 93 quarter

Consultations with coastal States pursuant to Article 142(1) and (2) of the Convention

1. ~~1-~~ If the planned activity includes resources deposits in the Area that lie across limits of national jurisdiction, the [Contractor [Sponsoring State or States] ~~must exercise~~ ~~it must be shall~~ conducted such activity with due regard to the rights and legitimate interests of the coastal States across whose jurisdiction such deposits lie

2. In this respect , the [Contractor] [Sponsoring State] shall maintain meaningful consultations, including a system of prior , active, timely and effective notification with the State concerned with a view to avoid infringement of such rights and interests. Consultations shall continue until the planned activity is completed.

[3. In cases where the planned activity may result in the exploitation of resources lying within national jurisdiction, the prior consent of the coastal State[must be conducted] [shall be require]].

~~[2. In this respect, the Contractor [Sponsoring State] shall:~~

~~(a) Notify the coastal State of the intention to submit a Plan of Work;~~

~~(b) Hold regular consultations with the coastal State concerned to avoid infringement of its rights and interests in the resources over which the coastal State exercises sovereign rights ;~~

~~(c) Obtain the prior consent of the coastal State concerned if the activity could result in the exploitation of the resources over which the coastal State exercises sovereign rights; and~~

~~(d) Provide opportunity and appropriate/targeted information for the coastal State concerned to monitor the exploitation activity within the meaning of Article 142 (1) and (2) of the Convention.]~~

[Regulation 93 *quinquies*

Identification of and consultations with coastal States pursuant to Article 142 of the Convention, including any acts, measures, decisions or activities undertaken on the basis thereof, shall be without prejudice to, and shall not be relied upon as a basis for asserting or denying any claims to, sovereignty, sovereign rights or jurisdiction, including in respect of any disputes relating thereto. In no case shall the implementation of these procedures nor the abovementioned acts and activities be interpreted as recognition or non-recognition of any claims to sovereignty, sovereign rights or jurisdiction.]

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