

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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.im.

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.

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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. Nothing in these Regulations shall affect the rights and legitimate interests of ~~[potentially affected]~~ 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].

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2.

~~[1 bis. The Council shall elaborate standardized criteria for]~~ ~~[A Standard shall govern the]~~ 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.]

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~~[1 ter. 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 Procedures shall be developed within three years after the adoption of these Regulations or before any Commercial Production commences, whichever takes place first.]~~

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2. Contractors shall take ~~[in conformity with rules, regulations and procedures of the Authority]~~ ~~all necessary measures~~ [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, ~~[interference with the ecological balance of the Marine Environment]~~ 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 ~~their~~ Contract Areas do not spread into areas under the jurisdiction or sovereignty of a coastal State.

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3.

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

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4. (i) Monitoring of potential transboundary impacts ~~[to the areas within the jurisdiction of States];~~
(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 and Article 142 of the Convention,]~~ with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.

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5. ~~[5. Regulation 4(5) shall apply mutatis mutandis to any State with grounds for believing that such harm or threat of harm 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].~~

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5 Alt. Any State with grounds for believing that harmful effects to the Marine Environment were caused in any location by an activity under a Plan of Work, shall notify the Secretary-General in writing of the grounds upon which such belief is based. The Secretary-General shall promptly inform the Commission, the Council, and

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Contractors of relevant Regional Environmental Management Plan Area and their Sponsoring State or States or the Enterprise, of such notification. The Contractors 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 eExploitation 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 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"

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