

Indonesia Written Inputs

Draft Exploitation Regulations

September 2024

Indonesia reserve the rights to further provide additional inputs at a latter stage.

No.	Current Draft	Input from Indonesia
1.	<p>Regulation 1</p> <p>5. Nothing in these Regulations shall affect the rights, jurisdiction and duties of States under the Convention, [including the rights and legitimate interests of the coastal states pursuant to article 142 of the Convention], the right to conduct marine scientific research <u>in the Area</u> pursuant to Articles 143 and 256 of the Convention, and the exercise by States of the freedom of the high seas, in accordance with Article 87 of the Convention.</p>	<p>Regulation 1</p> <p>5. Nothing in these Regulations shall affect the rights, jurisdiction and duties of States under the Convention, [including the rights and legitimate interests of the potentially affected coastal states pursuant to article 142 of the Convention], the right to conduct marine scientific research <u>in the Area</u> pursuant to Articles 143 and 256 of the Convention, and the exercise by States of the freedom of the high seas, in accordance with Article 87 of the Convention.</p>
2.	<p>Regulation 2</p> <p>2. <u>Recognizing that the rights in the Resources of the Area are vested in humankind as a whole, on whose behalf the Authority shall act</u>, 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 <u>while</u> ensuring the effective</p>	<p>Regulation 2</p> <p>2. <u>Recognizing that the rights in the Resources of the Area are vested in humankind as a whole, on whose behalf the Authority shall act</u>, 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 <u>while</u> ensuring the effective</p>

	<p>Protection of <u>the</u> marine environment, <u>[including biological diversity and ecological ecosystem integrity]</u>, from harmful effects which may arise from such activities in the Area [consistent with Article 145 of the Convention] <u>including [biological diversity and ecological integrity] [its flora and fauna]</u>.</p>	<p>Protection of <u>the</u> marine environment, [including biological diversity and ecological ecosystem integrity], from harmful effects which may arise from such activities in the Area [consistent with Article 145 of the Convention] <u>including [biological diversity and ecological integrity] [its flora and fauna]</u>.</p>
<p>3.</p>	<p>Regulation 2</p> <p>4. Alt. The following principles and approaches shall guide the application of these Regulations:</p> <p>(a) Intergenerational equity;</p> <p>(b) Precautionary principle or <u>precautionary</u> approach as appropriate;</p> <p>(c) Ecosystem <u>based management</u> approach;</p> <p><u>(c) bis An integrated approach to ocean management;</u></p> <p>(d) Polluter pays principle;</p> <p>(e) Open access to <u>non-confidential</u> data, <u>and</u> information; <u>and knowledge; including relating to the protection and preservation of the Marine Environment.;</u></p> <p>(f) Transparency, inclusivity and accountability in decision-making, [including effective stakeholder involvement and public participation];</p> <p>(g) The use of <u>Best Available Scientific Information;</u> and</p> <p><u>(h) The use of relevant traditional knowledge of Indigenous Peoples and local communities where available.</u></p>	<p>Regulation 2</p> <p>4. Alt. The following principles and approaches shall guide the application of these Regulations:</p> <p>(a) <u>Intergenerational equity</u> Sustainable Development;</p> <p>(b) Precautionary principle or <u>precautionary</u> approach as appropriate;</p> <p>(c) Ecosystem <u>based management</u> approach;</p> <p><u>(c) bis An integrated approach to ocean management;</u></p> <p>(d) Polluter pays principle;</p> <p>(e) Open access to non-confidential data, and information, and knowledge; including relating to the protection and preservation of the Marine Environment.;</p> <p>(f) Transparency, inclusivity and accountability in decision-making, [including effective stakeholder involvement <u>through consultation</u> and public participation];</p> <p>(g) The use of <u>Best Available Scientific Information;</u> and</p> <p><u>(h) The use of relevant traditional knowledge of Indigenous Peoples and local communities where available.</u></p>

		<p><u>(h) bis The prevention of transboundary harm to the areas within national jurisdiction from activities in the Area, including the due diligence obligation of sponsoring States and Contractors in ensuring the prevention of such harm;</u></p>
4.	<p>Regulation 3</p> <p>(d) The Authority shall consult and, where relevant, cooperate with Sponsoring States, <u>coastal States adjacent to the Contract Area, port States, flag States, competent international organizations and other relevant parties as appropriate, to develop measures to implement in these Regulations, including to:</u></p>	<p>Regulation 3</p> <p>(d) The Authority shall consult and, where relevant, cooperate with Sponsoring States, <u>potentially affected coastal States adjacent to the Contract Area, port States, flag States, competent international organizations and other relevant parties as appropriate, to develop measures to implement in these Regulations, including to:</u></p>
5.	<p>Regulation 4</p> <p>1. Nothing in these Regulations shall affect the rights <u>and legitimate interests</u> of 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.</p>	<p>Regulation 4</p> <p>1. Nothing in these Regulations shall affect the rights <u>and legitimate interests</u> of <u>potentially affected</u> coastal States in accordance with <u>Article 142 and other</u> relevant provisions of the Convention. including its provisions on consultation, prior notification, and the taking of measures.</p>
6.	<p>Regulation 4</p> <p>3. <u>Contractor measures pursuant to paragraph 2 Such measures by Contractors</u> shall include:</p> <p>(a) {Targeted and proactive consultations with any potentially affected coastal State in accordance with Article 142 of the Convention, [and as identified in the relevant Regional</p>	<p>Regulation 4</p> <p>3. <u>Contractor</u> m <u>Measures pursuant to paragraph 2 Such measures by Contractors</u> shall include:</p> <p>(a) {Targeted and proactive consultations with any potentially affected coastal State in accordance with Article 142 of the Convention, [and as identified in the relevant Regional</p>

	<p><u>Environmental Management Plan], prior to submitting an application for approval of a Plan of Work;</u></p> <p>(b) Maintaining throughout the term of the contract; (i) Monitoring of potential transboundary impacts; (ii) Accurate and precise recording of the operational area; and (iii) Consultations with any potentially affected coastal State, with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.</p>	<p><u>Environmental Management Plan], prior to submitting an application for approval of a Plan of Work;</u></p> <p>(b) Maintaining throughout the term of the contract; (i) Monitoring of potential transboundary impacts <u>to the areas within jurisdiction of States;</u> (ii) Accurate and precise recording of the operational area; and (iii) Consultations with any potentially affected coastal State, with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.</p>
7.	<p>Regulation 4</p> <p>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] <u>[and taking into account any compensation already claimed against the Contractor in national proceedings brought in accordance with Article 235 of the Convention].</u></p>	<p>Regulation 4</p> <p>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 <u>take measures to minimize, prevent, reduce, and control the harm from Environmental Effects and be [strictly] liable for any response and clean-up [or compensation] costs in accordance with the Convention, this Regulation, its Standards and Guidelines, and applicable international laws;</u> and <u>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].</u> the Contractor is required to carry out and bear the cost of mitigation measures aimed at reducing and eliminating the impact over time in accordance with the Convention, this Regulation, its Standards and Guidelines, and applicable international laws.</p>

8.	<p>Regulation 5</p> <p>3. (c) All information necessary to demonstrate that the applicant has the necessary financial, technical and operational capability to carry out the proposed Plan of Work in accordance with these Regulations, applicable Standards and Good Industry Practice using appropriately qualified [and adequately supervised] personnel;</p>	<p>Regulation 5</p> <p>3. (c) All information necessary to demonstrate that the applicant has the necessary financial, technical and operational capability to carry out the proposed Plan of Work and to fulfill its financial obligations to the Authority in accordance with these Regulations, in particular Section IV Annex I, applicable Standards and Good Industry Practice using appropriately qualified [and adequately supervised] personnel;</p>
9.	<p>Regulation 5</p> <p>3. (d) All information necessary to demonstrate the technical capability in environmental management pursuant to Regulation 13(3)(c) and Section III of Annex I to be able to comply with the requirements of these Regulations and applicable Standards; and</p>	<p>Regulation 5</p> <p>3. (d) All information necessary to demonstrate the technical capability in to meet health, safety, and environmental management requirements to effectively implement the proposed Plan of Work, pursuant to Regulation 13(3)(c) and Section III of Annex I to be able to comply with the requirements of these Regulations and applicable Standards; and</p>
10.	<p>Regulation 7</p> <p>2. (a) Accept as enforceable during all stages of the process chain and comply with the applicable obligations created by the provisions of Part XI of the Convention, the Agreement, the rules, rRegulations and procedures <u>of the Authority, including the applicable Standards and taking into account any applicable Guidelines of the Authority</u>, the decisions of</p>	<p>Regulation 7</p> <p>2. (a) Accept as enforceable during all stages of the process chain and comply with the applicable obligations created by the provisions of Part XI of the Convention, the Agreement, the rules, rRegulations and procedures <u>of the Authority, including the applicable Standards and taking into account any applicable Guidelines of the Authority</u>, the decisions of the</p>

	the organs of the Authority and the terms of its <u>Exploitation Ceontract with the Authority</u> ;	organs of the Authority and the terms of its <u>Exploitation Ceontract with the Authority</u> ;
11.	<p>Regulation 11</p> <p>Alt. Publication, notification, and review of the Application</p> <p>1. (a) Taking into account the confidentiality of the data, place the application, the Environmental Plans and all non-confidential documentation submitted and associated with it, including any supporting material] on the Authority’s website for a period of 90 Days, and notify and invite members of the Authority, relevant adjacent coastal States, [and any other States adjacent to the Exploitation Area when they are potentially the most affected States], Stakeholders, [and the general public] to submit comments in writing within 90 Days, in accordance with the applicable Standards and taking into consideration Guidelines. [All comments shall be published at the Authority’s website.</p>	<p>Regulation 11</p> <p>Alt. Publication, notification, and review of the Application</p> <p>1. (a) Taking into account the confidentiality of the data, place the application [Alt. summary of the Plan of Work], the Environmental Plans and all non-confidential documentation submitted and associated with it, including any supporting material] on the Authority’s website for a period of 90 Days, and notify and invite members of the Authority, <u>relevant adjacent potentially affected</u> coastal States, <u>[and any other States adjacent to the Exploitation Area when they are potentially the most affected States]</u>, Stakeholders, [and the general public] to submit comments in writing within 90 Days, in accordance with the applicable Standards and taking into consideration Guidelines. [All comments shall be published at the Authority’s website.</p>
12.	<p>Regulation 13</p> <p>1. <u>(e) Demonstrated that the applicant has [or can demonstrate that it the applicant will have the financial and technical capabilities [and capacity] to carry out the Plan of Work in accordance with the Regulations, Standards and taking into consideration the Guidelines, [meet or exceed environmental performance obligations]</u> and to meet all obligations under an Exploitation Contract [according to criteria defined by the Council];</p>	<p>Regulation 13</p> <p>1. <u>(e) Demonstrated that the applicant has [or can demonstrate that it the applicant will have the financial and , technical, and operational capabilities [and capacity] to carry out the Plan of Work and meet the health, safety, and environmental requirements for the activities proposed in the Plan of Work, in accordance with the Regulations, Standards and taking into consideration the Guidelines, [meet or exceed environmental performance obligations]</u> and to meet all obligations under an Exploitation Contract [according to criteria defined by the Council];</p>

13.	<p>Regulation 13</p> <p>1. [(e) bis Fulfil the obligations to protect and preserve the Marine Environment in accordance with the Convention and the Agreement, and as listed-out provided in the Rulesrules, regulations and procedures of the Authority];</p>	<p>Regulation 13</p> <p>1. [(e) bis Fulfil the obligations to protect and preserve Satisfy the preliminary requirements to demonstrate the commitment of the Contractor in fulfilling their obligations to protect the Marine Environment in accordance with the Convention and the Agreement, and as listed-out provided in the Rulesrules, regulations, Standards and Guidelines, and procedures of the Authority];</p>
14.	<p>Regulation 13</p> <p>2. (b)(ii) The estimated costs of implementing the Environmental Management and Monitoring Plan and the Closure Plan and to restore and remediate the affected Marine Environment in case of a significant;</p>	<p>Regulation 13</p> <p>2. (b)(ii) The estimated costs of implementing the Environmental Management and Monitoring Plan and the Closure Plan and to restore and remediate the affected Marine Environment in case of a significant; including the Mitigation Measures;</p>
15.	<p>Regulation 13 Alt.</p> <p>2. The Commission shall determine whether the applicant meets the following criteria:</p> <p>(a) The applicant is a qualified applicant pursuant to Regulation 5;</p> <p>(b) The applicant has given the undertakings and assurances specified in Regulation 7(2);</p>	<p>Regulation 13 Alt.</p> <p>2. The Commission shall determine whether the applicant meets the following criteria:</p> <p>(a) The applicant is a qualified applicant pursuant to Regulation 5;</p> <p>(b) The applicant has given the undertakings and assurances specified in Regulation 7(2);</p>

	<p>.....</p> <p><u>(e) The applicant has the financial and technical capabilities and capacity to carry out the Plan of Work, meet or exceed environmental performance obligations and to meet all obligations under an Exploitation Contract, pursuant to the applicable Standard, in accordance with paragraphs 3 and 4 of this Regulation; and</u></p> <p>....</p>	<p><u>(b) bis The applicant has fulfilled all required documents, including any consideration to the comments received during the comment period and any revision to the Plan of Work, pursuant to Regulation 11;</u></p> <p>.....</p> <p><u>(e) The applicant has the financial and technical, and operational capabilities and capacity to carry out the Plan of Work, meet or exceed health, safety, and environmental requirements performance obligations and to meet all obligations under an Exploitation Contract, as specified in Regulation 18 bis pursuant to the applicable Standard, in accordance with paragraphs 3 and 4 of this Regulation; and</u></p> <p>.....</p>
16.	<p>Regulation 13 Alt.</p> <p><u>3. In considering the financial capability of an applicant, the Commission shall determine, in accordance with Standards and taking into consideration Guidelines, whether:</u></p> <p><u>(a) The Financing Plan is compatible with proposed Exploitation activities;</u></p> <p><u>(b) The applicant is capable of committing [or raising] sufficient financial resources to cover the estimated costs of the proposed Exploitation activities as set out in the proposed Plan of Work, and all other associated costs of complying with the terms of any Exploitation Contract, including:</u></p>	<p>Regulation 13 Alt.</p> <p><u>3. In considering the financial capability of an applicant, the Commission shall determine, in accordance with Standards and taking into consideration Guidelines, whether:</u></p> <p><u>(a) The Financing Plan is compatible with proposed Exploitation activities;</u></p> <p><u>(b) The applicant is capable of committing [or raising] sufficient financial resources to cover the estimated costs of the proposed Exploitation activities as set out in the proposed Plan of Work, and all other associated costs of complying with the terms of any Exploitation Contract, including:</u></p>

	<p><u>(i) The payment of any applicable fees and other financial payments and charges in accordance with these Regulations in order to ensure that the project will benefit humankind as a whole;</u></p> <p><u>(ii) The estimated costs of implementing the Environmental Management and Monitoring Plan and the Closure Plan; and</u></p> <p><u>(iii) Sufficient financial resources for the prompt execution and implementation of the Emergency Response and Contingency Plan, and effective response to an Incident;</u></p> <p>.....</p>	<p><u>(i) The payment of any applicable fees and other financial payments and charges in accordance with these Regulations in order to ensure that the project will benefit humankind as a whole;</u></p> <p><u>(ii) The estimated costs of implementing the Environmental Management and Monitoring Plan and the Closure Plan, including Mitigation measures; and</u></p> <p><u>(iii) Sufficient financial resources for the prompt execution and implementation of the Emergency Response and Contingency Plan, and effective response to an Incident;</u></p> <p>.....</p>
17.	<p>Regulation 13 Alt.</p> <p><u>4. In considering the technical capability of an applicant, the Commission shall determine, in accordance with Standards and taking into consideration Guidelines, whether the applicant has provided sufficient information to demonstrate it has:</u></p> <p><u>(a) Certification to operate under internationally recognised quality control and management standards;</u></p> <p>.....</p> <p><u>(e) The capability to respond effectively and promptly to Incidents, in accordance with the Emergency Response and Contingency Plan;</u></p>	<p>Regulation 13 Alt.</p> <p><u>4. In considering the technical capability of an applicant, the Commission shall determine, in accordance with Standards and taking into consideration Guidelines, whether the applicant has provided sufficient information to demonstrate it has:</u></p> <p><u>(a) Certification and other supporting documentation demonstrating that the Contractor is able to operate under internationally recognised quality control and management standards;</u></p> <p>.....</p> <p><u>(e) The capability to respond effectively and promptly to Incidents, in accordance with the Emergency Response and</u></p>

	<p><u>(f) The capability and capacity to utilize and apply Best Available Techniques;</u></p> <p><u>(g) A safety management system that meets the requirements of Regulation 30 bis; and</u></p> <p><u>(h) An Environmental Management System that meets the requirements of Regulation 50 bis.</u></p>	<p><u>Contingency Plan, including sufficient technical capability to respond unforeseen circumstances;</u></p> <p><u>(f) The capability and capacity to utilize and apply Best Available Techniques;</u></p> <p><u>(g) A human health and safety management system that meets the requirements of Regulation 30 bis; and</u></p> <p><u>(h) An Environmental Management System that meets the requirements of Regulation 50 bis.</u></p>
18.	<p>Regulation 13 Alt.</p> <p><u>5. In considering whether the applicant is under the Effective Control of the Sponsoring State, the Commission shall determine:</u></p> <p><u>(a) [insert wording based on outcome of intersessional work];</u></p> <p><u>(b) Whether the Sponsoring State has enacted domestic legislation covering activities in the Area that:</u></p> <p><u>(i) is in force and applicable;</u></p>	<p>Regulation 13 Alt.</p> <p><u>5. In considering whether the applicant is under the Effective Control of the Sponsoring State, the Commission shall determine:</u></p> <p><u>(a) [insert wording based on outcome of intersessional work] the certificate of sponsorship obtained from the Sponsoring State has fulfilled the requirements set out in these Regulations, the Standards and Guidelines, and the domestic legislation of the Sponsoring State;</u></p> <p><u>(b) Whether the Sponsoring State has enacted domestic legislation covering activities in the Area that:</u></p> <p><u>(i) is in force and applicable;</u></p> <p><u>(i) bis incorporates the minimum qualifications and requirements for an entity wishing to conduct activities in the Area in order to obtain the certificate of sponsorship, in accordance with the Convention;</u></p> <p><u>(i) ter includes provisions which outlines the obligations of contractors to report to the Sponsoring State or any form of</u></p>

(ii) provides available recourse through the domestic legal system in accordance with Article 235(2) of the Convention; and
(iii) does not contain provisions that exempt liability of the sponsored entity from a cause of action that may result from its conduct of activities in the Area.

monitoring and surveillance mechanism by the Sponsoring State to the sponsored entities;

(i) Provides grounds for terminating the certificate of sponsorship in cases of any violation to the Convention, the Agreement, these Regulations, and Standards;

(ii) provides available recourse through the domestic legal system in accordance with Article 235(2) of the Convention; and
(iii) does not contain provisions that exempt liability of the sponsored entity from a cause of action that may result from its conduct of activities in the Area.

(b) bis In cases where the sponsored entity is not registered in the Sponsoring State or is not owned by the nationals of the Sponsoring State:

(i) Whether the State of nationality and/or the shareholders establish requirements for the sponsored entity to provide the Sponsoring State with necessary information and/or report on their activities in the Area, including any modification to the Plan of Work, any Incident or Emergency Events;

(ii) Whether the enforcement measures towards non-complying sponsored entity are based on or at least possess the same standards as the national legislation of the Sponsoring State, including suspending the activities in the Area;

(iii) Whether the state of nationality of the sponsored entity and/or their shareholders are committed to ensure that the sponsored entity comply with the conditions imposed by the Sponsoring State in carrying out activities in the Area;

(iv) Whether the state of nationality of the sponsored entity and their shareholders acknowledged that the Sponsoring State is authorized to terminate the certificate of sponsorship.

19.	<p>Regulation 13 Alt.</p> <p>8. <u>In considering whether an application provides for reasonable regard for other activities in the Marine Environment, the Commission shall determine:</u></p> <p>.....</p> <p><u>(b) Whether the Plan of Work has demonstrated due diligence in relation to the accommodation of other activities in the Marine Environment, including to:</u></p> <p><u>(i) identify in-service and planned submarine cables and pipelines in, or adjacent to, the area under application using the publicly-available data and resources taking into account the Guidelines;</u></p> <p><u>(ii) identify sea lanes in, or adjacent to, the area under application that are essential to international navigation;</u></p> <p><u>(iii) identify areas of intense fishing activity as may be defined in Standards or Guidelines in, above, or adjacent to, the area under application;</u></p> <p><u>(iv) identify any other activities in or adjacent to the Contract Area in accordance with Regulation 31, including marine scientific research activities, activities relating to marine genetic resources, and environmental Protection measures and area-based management tools established or proposed by competent international organizations; and</u></p>	<p>Regulation 13 Alt.</p> <p>8. <u>In considering whether an application provides for reasonable regard for other activities in the Marine Environment, the Commission shall determine:</u></p> <p>.....</p> <p><u>(b) Whether the Plan of Work has demonstrated due diligence in relation to the accommodation of other activities in the Marine Environment, including to:</u></p> <p><u>(i) identify in-service and planned submarine cables and pipelines in, or adjacent to, the area under application using the publicly-available data and resources taking into account the Guidelines;</u></p> <p><u>(ii) identify sea lanes in, or adjacent to, the area under application that are essential to international navigation;</u></p> <p><u>(iii) identify areas of intense fishing activity as may be defined in Standards or Guidelines in, above, or adjacent to, the area under application;</u></p> <p><u>(iv) identify any other activities in or adjacent to the Contract Area in accordance with Regulation 31, including marine scientific research activities, activities relating to marine genetic resources, and environmental Protection measures and area-based management tools established or proposed by competent international organizations; and</u></p> <p><u>(iv)bis Identify any other activities as the exercise of sovereign rights of adjacent Coastal State, such as activities for the production of energy from the water, currents and winds; any establishment and use of artificial islands, installations and structures; and</u></p>
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	<p><u>(v) where other marine users are identified in relation to the area under application whether listed in the Regional Environmental Management Plan or identified by some other means, consult with those users to agree measures the Contractor will take to give reasonable regard to their activities pursuant to Regulation 31.</u></p>	<p><u>(v) where other marine users are identified in relation to the area under application whether listed in the Regional Environmental Management Plan or identified by some other means, consult with those users to agree measures the Contractor will take to give reasonable regard to their activities pursuant to Regulation 31.</u></p>
20.	<p>Regulation 13 Alt.</p> <p><u>9. In considering whether an application provides for effective Protection of the Marine Environment, the Commission shall determine:</u></p> <p><u>(a) Whether the Plan of Work demonstrates that it will meet the Authority’s Strategic Environmental Goals and Objectives under Regulation 44ter, the regional environmental objectives and measures under the relevant Regional Environmental Management Plan, and the environmental thresholds in the applicable Standards, taking into consideration the cumulative effects of all Relevant Activities and climate change;</u></p> <p><u>(b) Whether the Plan of Work, complies with the principles set out in Regulation 44(1);</u></p> <p><u>(c) Whether the Plan of Work demonstrates that:</u></p> <p><u>(i) it is based on adequate environmental baseline data, in accordance with applicable Standards and taking into consideration Guidelines;</u></p> <p><u>(ii) it complies with the Standards developed pursuant to Regulation 45;</u></p>	<p>Regulation 13 Alt.</p> <p><u>9. In considering whether an application provides for effective Protection of the Marine Environment, the Commission shall determine:</u></p> <p><u>(a) Whether the Plan of Work demonstrates that it will meet the Authority’s Strategic Environmental Goals and Objectives under Regulation 44ter, the regional environmental objectives and measures under the relevant Regional Environmental Management Plan, the Environmental Standards and Guidelines under Regulation 45, and the environmental thresholds in the applicable Standards, taking into consideration the cumulative effects of all Relevant Activities and climate change;</u></p> <p><u>(b) Whether the Plan of Work, complies with the principles set out in Regulation 44(1);</u></p> <p><u>(c) Whether the Plan of Work demonstrates that:</u></p> <p><u>(i) it is based on adequate environmental baseline data, in accordance with applicable Standards and taking into consideration Guidelines;</u></p> <p><u>(ii) it complies with the Standards developed pursuant to Regulation 45;</u></p>

<p><u>(iii) the Plan of Work gives full effect to the precautionary principle or approach as appropriate</u></p> <p><u>(iv) it will not cause Environmental Impacts outside of the relevant Contract Area and will not cause Environmental Impacts to any area designated by the Authority [or other relevant authority] as a protected area in terms that prohibit such impact;</u></p> <p><u>(v) it includes Preservation References Zones and Impact Reference Zones in accordance with the criteria contained in Annex X bis;</u></p> <p><u>(vi) performance of the Plan of Work can be effectively monitored and controlled by the Authority, to minimize Environmental Effects, and ensure compliance with the rules, regulations and procedures of the Authority;</u></p> <p><u>(vii) identifies and manages appropriately the certainties, uncertainties or inadequacies in the data or information available at the time of application; and</u></p> <p><u>(viii) meets equivalent standards to relevant international rules with regards to any deliberate disposal of vessels, platforms or other man-made structures at sea.</u></p> <p><u>(d) Whether the Plan of Work ensure effective Protection of the Marine Environment, in accordance with all applicable environmental requirements in the Convention, Agreement,</u></p>	<p><u>(iii) the Plan of Work gives full effect to the precautionary principle or approach as appropriate</u></p> <p><u>(iv) it will not cause harmful Environmental Impacts outside of the relevant Contract Area, and will not cause Environmental Impacts to any area designated by the Authority [or other relevant authority] as a protected area in terms that prohibit such impact, and will not transfer harmful Environmental Impacts to the areas within national jurisdiction;</u></p> <p><u>(iv) bis Whether the Plan of Work has identified the potential Environmental Impacts of the activities in the Area, including any potential adverse Environmental Effects, and its necessary measures to mitigate or manage such effects and risks through an Environmental Impact Assessment pursuant to Regulations 46 and 46ter, taking into account the environmental baseline data and cumulative effects;</u></p> <p><u>(v) it includes Preservation References Zones and Impact Reference Zones in accordance with the criteria contained in Annex X bis;</u></p> <p><u>(vi) performance of the Plan of Work can be effectively monitored and controlled by the Authority, to minimize Environmental Effects, and ensure compliance with the rules, regulations and procedures of the Authority;</u></p> <p><u>(vii) identifies and manages appropriately the certainties, uncertainties or inadequacies in the data or information available at the time of application; and</u></p> <p><u>(viii) meets equivalent standards to relevant international rules with regards to any deliberate disposal of vessels, platforms or other man-made structures at sea.</u></p> <p><u>(d) Whether the Plan of Work ensure effective Protection of the Marine Environment, in accordance with all applicable environmental requirements in the Convention, Agreement,</u></p>
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	<p>and the rules, regulations and procedures of the Authority, taking into account:</p> <p>(i) Any Environmental Effects or impact on other activities of allowing the Exploitation activity;</p> <p>(ii) All proposed Mitigation and risk management measures;</p> <p>(iii) An evaluation of harmful effects individually, in combination, as well as cumulatively, including effects from other activities in the area under application;</p> <p>(iv) The effects on human health that may arise from Environmental Effects;</p> <p>(v) The importance of protecting the biological diversity and integrity of marine species, ecosystems and processes;</p> <p>(vi) The importance of protecting rare and vulnerable ecosystems and the habitats of threatened species;</p> <p>(vii) Traditional knowledge or cultural interests relevant to the Protection of the Marine Environment;</p> <p>(viii) The matters set out at Regulation 46(3)(b);</p> <p>(ix) The assessment framework for Mining Discharges as set out in the Guidelines; and</p> <p>(x) Any relevant Standards and Guidelines developed in accordance with Regulations 94 and 95.</p>	<p>and the rules, regulations and procedures of the Authority, taking into account:</p> <p>(i) Any Environmental Effects or impact on other activities of allowing the Exploitation activity;</p> <p>(ii) All proposed Mitigation and risk management measures;</p> <p>(iii) An evaluation of harmful effects individually, in combination, as well as cumulatively, including effects from other activities in the area under application;</p> <p>(iv) The effects on human health that may arise from Environmental Effects;</p> <p>(v) The importance of protecting the biological diversity and integrity of marine species, ecosystems and processes;</p> <p>(vi) The importance of protecting rare and vulnerable ecosystems and the habitats of threatened species;</p> <p>(vii) Traditional knowledge or cultural interests relevant to the Protection of the Marine Environment;</p> <p>(viii) The matters set out at Regulation 46(3)(b);</p> <p>(ix) The assessment framework for Mining Discharges as set out in the Guidelines; and</p> <p>(x) Any relevant Standards and Guidelines developed in accordance with Regulations 94 and 95.</p> <p>Note: Para (d) is too general and repeating the provisions in the subsequent Regulations.</p>
21.	<p>Regulation 15</p> <p>1. bis. The Commission shall accompany any recommendation for approval made under paragraph 1 with:</p> <p>(a) a summary of the deliberations of the Commission including what inputs have been taken into account and how these have been assessed, as well as divergences of opinion in the Commission, if any;</p>	<p>Regulation 15</p> <p>1. bis. The Commission shall accompany any recommendation for approval made under paragraph 1 with:</p> <p>(a) a summary of the deliberations of the Commission including what inputs have been taken into account and how these have been assessed, as well as divergences of opinion in the Commission, if any;</p>

	<p><u>(a) bis a summary of any uncertainties inherent in the Plan of Work and how the applicant is proposed to address these;</u></p> <p>(b) any conditions the Commission considers appropriate to deal with adverse effects of the proposed activities; and</p> <p>(c) a draft Contract.</p>	<p><u>(a) bis a summary of any uncertainties inherent in the Plan of Work and how the applicant is proposed to address these;</u></p> <p>(b) any conditions the Commission considers appropriate to deal with adverse effects <u>has determined that the Mitigation measures have been sufficient to deal with the Environmental Effects</u> of the proposed activities; and</p> <p>(c) a draft Contract.</p>
22.	<p>Regulation 15</p> <p>2. The Commission shall not recommend approval of a proposed Plan of Work if:</p> <p><u>(a) the Plan of Work does not comply with, or the Commission is unable to determine whether the Plan of Work complies with, [either alone or in combination with other activities and impacts], all requirements stipulated in Regulation 13 [, including because of scientific uncertainty or inadequate Information]</u></p>	<p>Regulation 15</p> <p>2. The Commission shall not recommend approval of a proposed Plan of Work if:</p> <p><u>(a) the Plan of Work does not comply with, or the Commission is unable to determine whether the Plan of Work complies with, [either alone or in combination with other activities and impacts], all requirements stipulated in Regulation 13 [including because of scientific uncertainty or inadequate Information], especially if the proposed activities cause significant adverse effects [or Serious Harm] to the Marine Environment [without adequate Mitigation measures].</u></p>
23.	<p>Regulation 18 bis</p> <p>1. [1. Contractors shall comply with the terms and conditions of their Exploitation Contract and the rules, regulations and</p>	<p>Regulation 18 bis</p> <p>1. [1. Contractors shall comply with the terms and conditions of their Exploitation Contract and the rules, regulations and</p>

	procedures of the Authority, in a manner consistent with the Convention and the Agreement.	procedures of the Authority, in a manner consistent with the Convention and , the Agreement, these Regulations, and the Standards and Guidelines.
24.	<p>Regulation 29 ter</p> <p>1. Harm or danger of harm to people, the environment or material assets shall be prevented or limited in accordance with the Regulations and any applicable Standards, and taking into consideration Guidelines. TheA Contractor shall <u>work to further</u> reduce the risk of Incidents as much as reasonably practicable, to the point where the cost of further risk reduction would be grossly disproportionate to the benefits of such reduction, in accordance with any relevant Standards and taking into account any relevant Guidelines.</p>	<p>Regulation 29 ter</p> <p>1. The Contractor shall work to prevent or to limit the Harm or danger [or risk] of harm to people, the environment or material assets shall be prevented or limited in accordance with the Regulations and any applicable Standards, and taking into consideration Guidelines. TheA Contractor shall <u>work to further</u> reduce the risk of Incidents as much as reasonably practicable, to the point where the cost of further risk reduction would be grossly disproportionate to the benefits of such reduction, in accordance with any relevant Standards and taking into account any relevant Guidelines.</p>
25.	<p>Regulation 29 ter</p> <p>2. The reasonable practicability of risk reduction measures shall be kept under review in the light of new knowledge and technology developments and Good Industry Practice, Best Available Techniques and Best Environmental Practices. In assessing whether the time, cost and effort would be grossly disproportionate to the benefits of further reducing the risk, consideration shall be given to best practice risk levels compatible with the operations being conducted.</p>	<p>Regulation 29 ter</p> <p>2. The reasonable practicability of risk reduction measures shall be kept under review in the light of new knowledge and technology developments and Good Industry Practice, Best Available Techniques, Best Available Scientific Information, and Best Environmental Practices. In assessing whether the time, cost and effort would be grossly disproportionate to the benefits of further reducing the risk, consideration shall be given to best practice risk levels compatible with the operations being conducted.</p>
26.	<p>Regulation 29 ter</p> <p>3. A Contractor shall maintain the necessary risk assessment and risk management systems in accordance with Good</p>	<p>Regulation 29 ter</p> <p>3. A Contractor shall maintain the necessary risk assessment and risk management systems in accordance with Good</p>

	Industry Practice, Best Available Techniques and Best Environmental Practices and shall report annually to the Secretary-General on such systems in accordance with Regulation 38(2)(h).	Industry Practice, Best Available Techniques, Best Available Scientific Information , and Best Environmental Practices and shall report annually to the Secretary-General on such systems in accordance with Regulation 38(2)(h).
27.	<p>Regulation 30</p> <p>1. (a) All vessels and Installations [operating and] engaged in Exploitation activities are in good repair, in a safe and sound condition in accordance with the requirements, specifications and preventive or corrective maintenance plans of the respective manufacturers, and adequately [crewed] [manned], and comply with paragraphs 2 and 3 below; and</p>	<p>Regulation 30</p> <p>1. (a) All vessels and Installations [operating and] engaged in Exploitation activities are in good repair, in a safe and sound condition in accordance with the requirements, specifications and preventive or corrective maintenance plans of the respective manufacturers, in satisfactory condition and are fit for the service for which the vessels and Installations are intended, without danger to the vessels, Installations, or persons on board and adequately [crewed] [manned], and comply with paragraphs 2 and 3 below; and</p>
28.	<p>Regulation 30</p> <p>4. The Contractor shall provide copies of valid certificates required under relevant international shipping conventions to the Authority upon request.</p>	<p>Regulation 30</p> <p>4. The Contractor shall provide copies of valid certificates required under relevant international shipping conventions international rules and standards established by competent international organizations to the Authority upon request.</p>
29.	<p>Regulation 30</p> <p>5. The Contractor shall ensure that:</p>	<p>Regulation 30</p> <p>5. The Contractor shall ensure that:</p>

	<p>(a) All of its personnel, before assuming their duties, have the necessary experience, training and qualifications <u>[and safety equipment]</u> and are able to conduct their duties safely, competently and in compliance with the <u>rRules, regulations and procedures</u> of the Authority and the terms of the Exploitation Contract;</p> <p>(b) <u>[Implementation of the Environmental Plans, and the Health and Safety Plan and Maritime Security Plan shall include awareness-raising programmes for personnel about the duties arising from those plans, and a programme]</u> An occupational health, safety and environmental awareness plan is put in place to inform all personnel engaged in Exploitation activities as to the occupational and environmental risks which may result from their work and the manner in which such risks are to be dealt with; and</p> <p>(c) Records of the experience, training and qualifications of all of its personnel are kept and made available to the Secretary-General upon request.</p>	<p>(a) All of its personnel, before assuming their duties, have the necessary experience, training and qualifications <u>[and safety equipment]</u> in accordance with their capacity, duties, and responsibilities, and are able to conduct their duties safely, competently, <u>proven by certificate issued</u> and in compliance with the <u>applicable international rules and standards established by competent international organizations, rRules, regulations and procedures</u> of the Authority and the terms of the Exploitation Contract;</p> <p>(b) <u>[Implementation of the Environmental Plans, and the Health and Safety Plan and Maritime Security Plan shall include awareness-raising programmes for personnel about the duties arising from those plans, and a programme]</u> An occupational health, safety and environmental awareness plan is put in place to inform all personnel engaged in Exploitation activities as to the occupational and environmental risks which may result from their work and the manner in which such risks are to be dealt with; and</p> <p>(c) <u>Certificates and</u> Records of the experience, training and qualifications of all of its personnel are kept and made available to the Secretary-General upon request.</p>
30.	<p>Regulation 30 bis</p> <p>1. <u>When conducting its operations, a Contractor shall develop, implement and maintain a safety management system, taking into consideration Guidelines.</u></p>	<p>Regulation 30 bis</p> <p>1. <u>When conducting its operations, a Contractor shall develop, implement, and maintain, and periodically evaluate a health and safety management system, taking into consideration Guidelines.</u></p>
31.	<p>Regulation 30 bis</p>	<p>Regulation 30 bis</p>

	<p>2. <u>A Contractor's safety management system shall:</u></p> <p><u>(a) Be capable of delivering site-specific safety objectives and meeting performance requirements specified in the Health and Safety Plan and Maritime Security Plan;</u></p> <p><u>(b) Cover occupational health and safety and process safety, including the selection or design of assets, facilities, equipment and materials;</u></p> <p><u>(c) Permit effective reporting to the Authority in connection with safety performance;</u></p> <p><u>(d) Promote inclusivity and gender equality; and</u></p> <p><u>(e) Be in accordance with Good Industry Practice and internationally recognised standards.</u></p>	<p>2. <u>A Contractor's safety management system shall:</u></p> <p><u>(a) Be capable of delivering site-specific safety objectives, identifying site-specific risks and its management measures, and meeting performance requirements specified in the Health and Safety Plan and Maritime Security Plan;</u></p> <p><u>(b) Cover occupational health and safety and process safety, including the selection or design of assets, facilities, equipment and materials;</u></p> <p><u>(c) Permit effective reporting to the Authority in connection with health and safety performance;</u></p> <p><u>(d) Promote inclusivity and gender equality; and</u></p> <p><u>(e) Be in accordance with Good Industry Practice and internationally recognised standards.</u></p>
32.	<p>Regulation 31</p> <p>1. Contractors shall, consistent with any applicable Standards and taking into consideration Guidelines, carry out [Exploration and] exploitation [activities] under an Exploitation Contract with reasonable regard for other activities and infrastructure in the Marine Environment, in accordance with Articles 87 and 147 of the Convention, [the Plan of Work] and the approved Environmental Management and Monitoring Plan, [Regional Environmental Management Plan] and Closure Plan [and any applicable international rules and standards established by competent international organizations]</p>	<p>Regulation 31</p> <p>1. Contractors shall, consistent with any applicable Standards and taking into consideration Guidelines, carry out [Exploration and] exploitation [activities] under an Exploitation Contract with reasonable regard for other activities and infrastructure in the Marine Environment, in accordance with Articles 87 and 147 of the Convention, <u>these Regulations, any applicable Standards and Guidelines,</u> [the Plan of Work] and the approved Environmental Management and Monitoring Plan, [Regional Environmental Management Plan] and Closure Plan [and any applicable international rules and standards established by competent international organizations]</p>

<p>33.</p>	<p>Regulation 44</p> <p>1. The Authority, Sponsoring States, the Enterprise, Contractors, flag [port States] [and the States of registry of or having authority over installations, structures, robots, and other devices] [where they are members of the Authority] shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise [directly or indirectly] from Exploitation in the Area, in accordance with Regulations as well as applicable Standards and taking into consideration Guidelines referred to in Regulation 45 and the relevant Regional Environmental Management Plan and to this end shall, as applicable in their respective areas of competence:</p> <p>(a) Apply the precautionary approach and an ecosystem-based approach to [the assessment management and prevention of risk of harm [in order to prevent and reduce of risk of harm] [avoidance of risk of harm][the prevention, assessment and management of risk of harm] to the Marine Environment from Exploitation in the Area;</p> <p>.....</p> <p>[(f) Elaborate and implement measures to ensure that damage or hazards to the marine environment are not transferred, directly or indirectly, from one area of the environment to another or from one type of pollution into another one. Special attention should be paid to avoiding toxic, persistent and bio accumulative substances; and]</p>	<p>Regulation 44</p> <p>1. The Authority, Sponsoring States, the Enterprise, Contractors, flag States [port States] [and the States of registry of or having authority over installations, structures, robots, and other devices] [where they are members of the Authority] shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise [directly or indirectly] from Exploitation in the Area, in accordance with the Convention, the Agreement, these Regulations as well as applicable Standards and taking into consideration Guidelines referred to in Regulation 45 and the relevant Regional Environmental Management Plan and to this end shall, as applicable in their respective areas of competence:</p> <p>(a) Apply the precautionary principle or precautionary approach as appropriate and an ecosystem-based approach to [the assessment management and prevention of risk of harm [in order to prevent and reduce of risk of harm] [avoidance of risk of harm][the prevention, assessment and management of risk of harm] to the Marine Environment from Exploitation in the Area;</p> <p>.....</p> <p>[(f) Elaborate and implement measures to ensure that damage or hazards harmful changes to the marine environment are not transferred, directly or indirectly, from one area of the environment to another or from one type of pollution into another one. Special attention should be paid to avoiding toxic, persistent and bio accumulative substances; and]</p>
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	<p>[(g) Apply the Mitigation hierarchy to avoid, minimize, mitigate, and should it become feasible in the future, remediate and restore the Marine Environment from harm caused by activities in the Area.]</p> <p>[(h) Ensure that Exploitation in the Area under an Exploitation Contract is carried out with reasonable regard for climate mitigation and to minimise impact on the ocean’s capacity to function as a climate sink.]</p> <p>[(i) Apply the mitigation hierarchy to avoid, minimize, mitigate, and, should it become feasible in the future, remediate and restore the Marine Environment from harm caused by activities in the Area];</p>	<p>[(g) Apply the Mitigation hierarchy to avoid, minimize, mitigate, and should it become feasible in the future, remediate and restore the Marine Environment from harm caused by Exploitation activities in the Area.]</p> <p>[(h) Ensure that Exploitation in the Area under an Exploitation Contract is carried out with reasonable regard for climate mitigation and to minimise impact on the ocean’s capacity to function as a climate sink.]</p> <p>[(i) Apply the mitigation hierarchy to avoid, minimize, mitigate, and, should it become feasible in the future, remediate and restore the Marine Environment from harm caused by activities in the Area];</p>
34.	<p>Regulation 44</p> <p>3. No Regulation in this Part shall be interpreted as preventing [sponsoring] States [Parties], the Enterprise and Contractors from taking, individually or jointly, more stringent measures in accordance with international law with respect to the prevention, reduction and where practicable elimination of detrimental effects on the Marine Environment.</p>	<p>Regulation 44</p> <p>3. No Regulation in this Part shall be interpreted as preventing [sponsoring] States [Parties], the Enterprise and Contractors from taking, individually or jointly, more stringent measures in accordance with international law with respect to the prevention, reduction and where practicable elimination of detrimental effects on the Marine Environment.</p>
35.	<p>Regulation 44 bis</p> <p>2. In the event that an application for a Plan of Work is submitted for an area where no such Regional Environmental Management Plan exists, the drafting of a Regional Environmental Management Plan applicable to the area in concern shall be prioritised. <u>[and adopted without any undue delay, taking into account Section 2, Article 15 b/c of the 1994 Agreement]</u></p>	<p>Regulation 44 bis</p> <p>2. In the event that an application for a Plan of Work is submitted for an area where no such Regional Environmental Management Plan exists, the drafting of a Regional Environmental Management Plan applicable to the area in concern shall be prioritised. <u>[and adopted without any undue delay, taking into account Section 2, Article 15 b/c of the 1994 Agreement]</u> Once adopted, the Commission shall assess</p>

		whether any revision to the submitted Plan of Work is needed, especially the submitted Environmental Monitoring and Management Plan, in accordance with Regulation 14.
36.	<p>Regulation 45</p> <p>5. The application of this Regulation shall be without prejudice to the function of the [-Council] <u>[Commission]</u> to develop other Standards [and Guidelines] on the protection [and conservation] of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment, taking into account the development of the Exploitation activities in the Area. Environmental Standards and Guidelines shall be regularly reviewed and updated in response to advancements in scientific knowledge and experience and new contributions from Indigenous Peoples and local communities.</p>	<p>Regulation 45</p> <p>5. The application of this Regulation shall be without prejudice to the function of the [-Council] <u>[Commission]</u> to develop other Standards [and Guidelines] on the protection <u>to the Marine Environment</u> [and conservation] of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment, taking into account the development of the Exploitation activities in the Area. Environmental Standards and Guidelines shall be regularly reviewed and updated in response to advancements in scientific knowledge and experience and new contributions from Indigenous Peoples and local communities.</p>
37.	<p>Regulation 46</p> <p>1. An applicant or Contractor shall carry out an Environmental Impact Assessment on the potential <u>[impacts and]</u> effects on the Marine Environment of the proposed operations and activities.</p> <p>2. The purpose of an Environmental Impact Assessment under this Regulation shall be to <u>[identify and inform the Authority's assessment of an application of a Plan of Work under Regulations 13 to 16, or a Contract's continued adherence to these 75 of 225 Regulations and]</u> predict <u>[and evaluate the potential]</u> Environmental Impacts, <u>[effects and risks]</u> anticipated from the proposed activities <u>[on the marine</u></p>	<p>Regulation 46</p> <p><u>Note: Regulations 46 and 47 are better merged</u></p> <p>1. <u>An applicant or</u> The Contractor shall carry out an Environmental Impact Assessment, <u>on the potential [impacts and] effects on the Marine Environment of the proposed operations and activities</u> in accordance with the Regulation, Standards, and taking into account the Guidelines.</p> <p>2. The purpose of an Environmental Impact Assessment <u>under this Regulation</u> shall be to <u>[identify and inform the Authority's assessment of an application of a Plan of Work under Regulations 13 to 16, or a Contract's continued adherence to these 75 of 225 Regulations and]</u> predict <u>[and evaluate the potential]</u> Environmental Impacts, <u>[effects and risks]</u> anticipated from <u>of</u> the proposed activities <u>[on the marine</u></p>

<p><u>environment and identify necessary measures to Mitigate or manage such effects and risks</u>], to enable the Authority to assess the potential adverse Environmental Effects <u>[and risks]</u>, with the aim to:</p> <p>(a) Ensure effective Protection for the <u>Mmarine Eenvironment</u> from harmful effects which may arise from such proposed activities;</p> <p>(b) Ensure that activities in the Area are carried out with reasonable regard for other activities in the Marine Environment;</p> <p>(c) [Avoid Serious] <u>[Prevent]</u> harm to the Marine Environment arising out of the proposed activities;</p> <p>(d) Ensure, in accordance with [article 142 of] the Convention [and Regulation 4], that the Sponsoring State <u>[or States]</u> and the Contractor, [with respect to resource deposits in the Area which lie across limits of national jurisdiction,] conduct the Environmental Impact Assessment with due regard to the rights and legitimate interests [and duties] of <u>[adjacent affected]</u> coastal States <u>and any other potentially most affected coastal State</u> by maintaining, <u>[targeted and proactive]</u> consultations <u>in accordance with Regulation 93 ter and a system of prior notification to avoid infringement of their rights and legitimate interests]</u>; and</p>	<p><u>environment</u> and identify necessary measures to Mitigate or manage such effects and risks], to enable the Authority to assess the potential adverse Environmental Effects <u>[and risks]</u>, with the aim to:</p> <p>(a) Ensure effective Protection for the <u>Mmarine Eenvironment</u> from harmful effects which may arise from such proposed activities;</p> <p>(b) Ensure that activities in the Area are carried out with reasonable regard for other activities in the Marine Environment;</p> <p>(c) [Avoid Serious] <u>[Prevent]</u> <u>harm</u> adverse Environmental Effects to the Marine Environment arising out of the proposed activities;</p> <p>(d) Ensure, in accordance with [article 142 of] the Convention [and Regulation 4], that the Sponsoring State <u>[or States]</u> and the Contractor, [with respect to resource deposits in the Area which lie across limits of national jurisdiction,] conduct the Environmental Impact Assessment with due regard to the rights and legitimate interests [and duties] of <u>[adjacent affected]</u> coastal States <u>and any other potentially most affected coastal State</u> by maintaining, <u>[targeted and proactive]</u> consultations <u>in accordance with Regulation 93 ter and a system of prior notification to avoid infringement of their rights and legitimate interests]</u>; <u>and</u></p> <p>(d) bis Ensure that Mitigation measures are identified in accordance with the potential Environmental Impacts and risks of the proposed activities; and</p>
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(e) Ensure that the proposed activities are carried out in accordance with ~~[the Convention, the Agreement], the Rules, regulations and procedures~~ of the Authority, ~~[general International Law, including the Convention]~~ and the applicable Standards and taking into ~~consideration~~ ~~account~~ ~~the relevant applicable~~ Guidelines as well as, Best Available Scientific Information, Best Environmental Practices, and Best Available Techniques.

3. The Environmental Impact Assessment [Process] shall:

(a) Be based on relevant environmental baseline data ~~[that captures temporal, (seasonal and interannual) and spatial variation]~~ in accordance with ~~[relevant applicable]~~ Standards and taking into ~~consideration~~ ~~account~~ ~~[relevant]~~ Guidelines and the objectives and measures of the ~~[relevant applicable]~~ Regional Environmental Management Plan;

~~[(a)bis Be based on a Scoping Report;]~~

(b) Be carried out by ~~[competent qualified,]~~ ~~[independent]~~ experts;

(b) bis Be based on the best available ~~[science and]~~ scientific information, and, ~~[if applicable, taking into account where available,]~~ relevant traditional knowledge of Indigenous Peoples and local communities;

(c) Include an Environmental Risk Assessment ~~[and a survey of the seabed to identify Underwater Cultural Heritage,]~~ that takes into consideration the region as a whole taking into

(e) Ensure that the proposed activities are carried out in accordance with ~~[the Convention, the Agreement], the Rules, regulations and procedures~~ of the Authority, ~~[general International Law, including the Convention]~~ and the applicable Standards and taking into ~~consideration~~ ~~account~~ ~~the relevant applicable~~ Guidelines as well as, Best Available Scientific Information, Best Environmental Practices, and Best Available Techniques.

3. The Environmental Impact Assessment [Process] shall:

(a) Be based on relevant environmental baseline data ~~[that captures temporal, (seasonal and interannual) and spatial variation]~~ in accordance with ~~[relevant applicable]~~ Standards and taking into ~~consideration~~ ~~account~~ ~~[relevant]~~ Guidelines and the objectives and measures of the ~~[relevant applicable]~~ Regional Environmental Management Plan;

~~[(a)bis Be based on a Scoping Report;]~~

(b) Be carried out by ~~[competent qualified,]~~ ~~[independent]~~ experts;

(b) bis Be based on the Best Available ~~[science and]~~ Scientific Information, Best Environmental Practices, and, Best Available Techniques ~~[if applicable, taking into account where available,]~~ relevant traditional knowledge of Indigenous Peoples and local communities;

~~(c) Include an Environmental Risk Assessment [and a survey of the seabed to identify Underwater Cultural Heritage,] that takes into consideration the region as a whole taking into~~

<p>account the objectives and measures of the relevant [and applicable] Regional Environmental Management Plan;</p> <p>(d) Provide for Stakeholder consultation in accordance with Regulation 93 bis, applicablerelevant Standards and taking into consideration-account the relevant Guidelines;</p> <p>(e) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority;</p> <p>(f) Take into account the results from Test Mining, if applicable, in accordance with Regulation 48 ter bis;</p> <p>(g) Be conducted in accordance with the terms of reference developed during scoping in accordance with Regulation 47 bis ter;</p> <p>(h) Identify scientific and other knowledge gaps or data uncertainties, and [assess] the degree to which these influence the assessment; and 76 of 225</p> <p>(i) Be an iterative process where specific stages [of the activities] are revisited and may be updated in the light of new information or new activity at a later stage.</p> <p>4. The Environmental Impact Assessment [process] must follow certain procedural steps and entail the following elements:</p>	<p>account the objectives and measures of the relevant [and applicable] Regional Environmental Management Plan;</p> <p>(d) Provide for Stakeholder consultation in accordance with Regulation 93 bis, applicablerelevant Standards and taking into consideration-account the relevant Guidelines;</p> <p>(e) Be subject to an independent scientific assessment prior to the submission of the proposed Environmental Impact Statement to the Authority;</p> <p>(f) Take into account the results from Test Mining, if applicable, in accordance with Regulation 48 ter bis;</p> <p>(g) Be conducted in accordance with the terms of reference developed during scoping in accordance with Regulation 47 bis ter;</p> <p>(h) Identify scientific and other knowledge gaps or data uncertainties, and [assess] the degree to which these influence the assessment; and 76 of 225</p> <p>(i) Be an iterative process where specific stages [of the activities] are revisited and may be updated in the light of new information or new activity at a later stage.</p> <p>(i) bis Include consideration of cumulative impacts from other activities carried out near the proposed Exploitation Area;</p> <p>4. The Environmental Impact Assessment [process] must follow certain procedural steps and entail the following elements:</p>
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(a) A scoping Stage and scoping report in accordance with Regulation 47 bis to identify and risk assess the anticipated activities and potential impacts associated with the proposed Exploitation which are relevant to the Environmental Impact Assessment;

(b) A stage for assessment of Environmental Impacts [in accordance with Regulation 47;] including:

~~[(i) An update to the environmental risk assessment, as developed during scoping, describing the likely impacts on the marine environment and [objects of an archaeological historical nature Underwater Cultural Heritage] and predict the nature and extent of the [Environmental Impacts and] Environmental Effects [and risks] of the Exploitation including residual impacts, [also considering] cumulative [impactseffects], including existing and foreseen mining operations, other activities and natural phenomena.~~

~~(ii) An evaluation of [significant and] harmful effects on the [marine] environment and ecosystem services, [based founded] on [a scientific-based approach, including] clear and transparent assessment criteria and a robust evidence base,~~

(a) A scoping Stage and scoping report ~~in accordance with Regulation 47 bis~~ to identify and risk assess the anticipated activities and potential impacts associated with the proposed Exploitation which are relevant to the Environmental Impact Assessment;

Alt. (a) A scoping Stage and scoping report to identify key environmental and any associated impacts, such as economic, social, cultural and human health impacts, including potential cumulative impacts and impacts in areas within national jurisdiction, as well as alternatives to the proposed activity, if any, to be included in the environmental impact assessments that shall be conducted in this Regulation.

(b) A stage for assessment of Environmental Impacts on the following [in accordance with Regulation 47;] including:

~~[(i) An update to the environmental risk assessment, as developed during scoping, describing the likely impacts on the marine environment and [objects of an archaeological historical nature Underwater Cultural Heritage] and predict the nature and extent of the [Environmental Impacts and] Environmental Effects [and risks] of the Exploitation including residual impacts, [also considering] cumulative [impactseffects], including existing and foreseen mining operations, other activities and natural phenomena.~~

~~(ii) An evaluation of [significant and] harmful effects on the [marine] environment and ecosystem services, [based founded] on [a scientific-based approach, including] clear and transparent assessment criteria and a robust evidence base,~~

<p>[using applying] bBest Available [science and] sScientific Information [and where applicable, relevant traditional knowledge of Indigenous Peoples and local communities];</p> <p>(iii) The presentation and evaluation of potential mitigation measures, and subsequent statement of management and monitoring commitments ([together with to inform preparation of the Environmental Management and Monitoring PlanEMMP), to [monitor] mitigate, [manage], avoid and minimize [harmful] effects [to the marine environment], and monitor residual impacts;]</p>	<p>[using applying] bBest Available [science and] sScientific Information [and where applicable, relevant traditional knowledge of Indigenous Peoples and local communities];</p> <p>(iii) The presentation and evaluation of potential mitigation measures, and subsequent statement of management and monitoring commitments ([together with to inform preparation of the Environmental Management and Monitoring PlanEMMP), to [monitor] mitigate, [manage], avoid and minimize [harmful] effects [to the marine environment], and monitor residual impacts;]</p> <p>(i) The intensity or severity of the impact at the specific site being affected;</p> <p>(ii) The spatial extent of the impact relative to the availability of the habitat type affected;</p> <p>(iii) The sensitivity/vulnerability of the ecosystem to the impact;</p> <p>(iv) The ability of an ecosystem to recover from harm, and the rate of such recovery; [and]</p> <p>(v) The extent to which ecosystem functions may be altered by the impact; .; [and]</p> <p>(vi) An analysis of reasonable alternatives to the proposed activities in the Area;</p> <p>(vii) Identification of measures to monitor, mitigate, and manage Environmental Effects and risks to as low as reasonably practicable, while within acceptable levels in accordance with environmental Standards, including through the development and preparation of an Environmental Management and Monitoring Plan;</p> <p>(viii) An Environmental Risk Assessment and analysis of the result of the Environmental Risk Assessment, including identification of risks requiring particular focus.</p>
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		Notes: formulation from Regulation 47 (1) and (2)
38.	<p>Regulation 47 bis</p> <p>1.[An] applicant or Contractor, shall prepare and submit to the Secretary-General a scoping report in accordance with this Regulation, [the applicable Standard and taking into consideration Guidelines].</p>	<p>Regulation 47 bis</p> <p>1.[An] applicant or Contractor, shall prepare and submit to the Secretary-General a scoping report and the draft Terms of Reference for the Environmental Impact Assessment in accordance with this Regulation, [the applicable Standard and taking into consideration Guidelines].</p>
39.	<p>Regulation 47 bis</p> <p>2. An applicant or Contractor, shall use Environmental Impact Assessment scoping to identify and prioritize the main activities and potential impacts associated with the proposed Exploitation activities, in order to focus the Environmental Impact Assessment and Environmental Impact Statement on the key environmental issues.</p>	<p>Regulation 47 bis</p> <p>2. An applicant or Contractor, shall use Environmental Impact Assessment scoping to identify and prioritize the main activities and potential impacts associated with the proposed Exploitation activities, in order to focus the Environmental Impact Assessment and Environmental Impact Statement on the key environmental issues. key environmental and any associated impacts, such as economic, social, cultural and human health impacts, including potential cumulative impacts and impacts in areas within national jurisdiction, as well as alternatives to the proposed activities, if any, to be included in the environmental impact assessments that shall be conducted under this Regulation. The result of the Scoping shall be used by the applicant or Contractor to derive the Terms of Reference for Environmental Impact Assessment.</p>
40.	<p>Regulation 47 bis</p> <p>3. In undertaking the Environmental Impact Assessment scoping process, the applicant or Contractor, shall:</p>	<p>Regulation 47 bis</p> <p>3. In undertaking the Environmental Impact Assessment scoping process, the applicant or Contractor, shall:</p>

	<p>(a) Review available data and knowledge, and propose additional data to be collected and studies needed to complete an Environmental Impact Statement in accordance with these Regulations;</p> <p>(b) Undertake a preliminary impact analysis and Environmental Risk Assessment which will be updated as the Environmental Impact Assessment proceeds;</p> <p>(c) Identify [potentially directly affected] Stakeholders in accordance with [the applicable] Standards and taking into consideration Guidelines; 79 of 225</p> <p>(c) bis Endeavour to engage with potentially directly affected Stakeholders, and in accordance with [Regulation 93 ter,] Standards and taking into consideration Guidelines;</p> <p>(d) Identify and evaluate feasible alternative means of carrying out the project that will be [further] examined in the Environmental Impact Assessment; and</p> <p>(e) Use the best available science and scientific information and, where available, relevant traditional knowledge of Indigenous Peoples and local communities.</p>	<p>(a) Review environmental baseline data and other available data and knowledge, identifying any gap in existing data and knowledge, and propose additional data to be collected and studies needed to complete an Environmental Impact Statement in accordance with these Regulations;</p> <p>(b) Undertake a preliminary impact analysis and Environmental Risk Assessment which will be updated as the Environmental Impact Assessment proceeds;</p> <p>(c) Identify [potentially directly affected] Stakeholders in accordance with [the applicable] Standards and taking into consideration Guidelines; 79 of 225</p> <p>(c) bis Endeavour to engage Consult with potentially directly affected Stakeholders, and in accordance with [Regulation 93 ter,] Standards and taking into consideration Guidelines;</p> <p>(d) Identify and evaluate feasible alternative means of carrying out the project proposed activities that will be [further] examined in the Environmental Impact Assessment; and</p> <p>(e) Use the best available science and scientific information and, where available, relevant traditional knowledge of Indigenous Peoples and local communities.</p>
41.	<p>Regulation 48</p> <p>3. The Environmental Impact Statement shall be in a form prescribed by the Authority in the applicable relevant Standard and in accordance with the relevant Guidelines, [and shall]:</p>	<p>Regulation 48</p> <p>3. The Environmental Impact Statement shall be in a form prescribed by the Authority in the applicable relevant Standard and in accordance with the relevant Guidelines, [and shall]:</p>

	<p>(a) Detail the results of the Environmental Impact Assessment including the methodology used, <u>[the sufficiency of information]</u> and evaluation of the identified Environmental Impacts;</p> <p>.....</p>	<p>(a) Detail the results of the Environmental Impact Assessment including the methodology used, <u>available data and knowledge including the environmental baseline data, [the sufficiency of information] and evaluation</u> description of the identified Environmental Impacts, and proposed Mitigation measures;</p> <p>.....</p>
42.	<p>Regulation 48</p> <p><u>3. bis The applicant or Contractor shall endeavour to engage with potentially directly affected Stakeholders, and in accordance with [Regulation 93 ter] applicable Standards, and taking into consideration Guidelines, during the development of the Environmental Impact Statement.</u></p>	<p>Regulation 48</p> <p><u>3. bis The applicant or Contractor shall endeavour to engage with potentially directly affected Stakeholders, and in accordance with [Regulation 93 ter] applicable Standards, and taking into consideration Guidelines, during the development of the Environmental Impact Statement.</u></p>
43.	<p>Regulation 48 bis</p> <p><u>[2.] A Contractor shall conduct an [additional new] Environmental Impact Assessment in accordance with Regulation 47 ter and submit an [additional] revised Environmental Impact Statement [wheren].</u></p> <p>(a) A <u>[Material] C</u>hange to an existing Plan of Work is proposed which is likely to <u>[significantly]</u> increase the adverse Environmental Effects <u>[or risks]</u> caused by the activities, <u>and is not covered by Regulation 57(3),</u></p> <p>.....</p>	<p>Regulation 48 bis</p> <p><u>[2.] A Contractor shall conduct an [additional new] Environmental Impact Assessment in accordance with Regulation 47 ter and submit an [additional] revised Environmental Impact Statement [wheren].</u></p> <p>(a) A <u>[Material] C</u>hange to an existing Plan of Work is proposed which is likely to <u>[significantly]</u> increase the adverse Environmental Effects <u>[or risks]</u> caused by the activities, <u>and is not covered by Regulation 57(3),</u></p> <p>.....</p>

	<p>(d) An <u>applicable relevant</u> Standard, activity or predicted <u>[significant]</u> impact has not already been addressed by an Environmental Impact Statement, or</p> <p>(e) Otherwise deemed necessary by the Commission or Council, in accordance with applicable Standards and taking into <u>consideration</u>account Guidelines, <u>following its review of a Contractors' activities contained in an annual report submitted pursuant to Regulation 38 or review of a Plan of Work pursuant to Regulation 58.</u></p>	<p>(d) An <u>applicable relevant</u> Standard, activity or predicted <u>[significant]</u> impact has not already been addressed by an Environmental Impact Statement, or</p> <p>(d) bis When the Material Change of the proposed Plan of Work require changes in the Environmental Management and Monitoring Plan (EMMP), due to the impacts identified in the revised Environmental Impact Assessment; or</p> <p>(e) Otherwise deemed necessary by the Commission or Council, in accordance with applicable Standards and taking into <u>consideration</u>account Guidelines, <u>following its review of a Contractors' activities contained in an annual report submitted pursuant to Regulation 38 or review of a Plan of Work pursuant to Regulation 58.</u></p>
44.	<p>Regulation 48 ter</p> <p>1. Subject to this Regulation, an applicant <u>[or a Contractor]</u> shall conduct <u>T^{est} mining²</u> <u>[prior to submitting an application for a Plan of Work for Exploitation] [before starting any commercial mining under an Exploitation Contract]</u>. Information gathered 84 of 225 through <u>T^{est} - mMining²</u> shall be compiled in a <u>T^{est} M^{ining}</u> report in accordance with Annex IV, be in accordance with <u>{and take into account}</u> the <u>[applicable] [relevant]</u> Standards and <u>[taking into consideration]</u> Guidelines <u>[and shall inform on the application for a Plan of Work for Exploitation in particular with regard to the protection of the environment]</u>.</p>	<p>Regulation 48 ter</p> <p>1. Subject to this Regulation, an applicant <u>[or a Contractor]</u> shall conduct <u>T^{est} mining²</u> <u>[prior to submitting an application for a Plan of Work for Exploitation] [before starting any commercial mining under an Exploitation Contract]</u>. Information gathered 84 of 225 through <u>T^{est} - mMining²</u> shall be compiled in a <u>T^{est} M^{ining}</u> report in accordance with Annex IV, be in accordance with <u>{and take into account}</u> the <u>[applicable] [relevant]</u> Standards and <u>[taking into consideration]</u> Guidelines <u>[and shall inform on the application for a Plan of Work for Exploitation in particular with regard to the protection of the environment]</u>.</p>
45.	<p>Regulation 50 bis</p> <p>2. An Environmental Management System shall, inter alia:</p>	<p>Regulation 50 bis</p> <p>2. An Environmental Management System shall, inter alia:</p>

	<p>(a) Deliver the Authority’s environmental objectives in the Contract Area, including those reflected in the applicant’s Environmental Management and Monitoring Plan, and the [relevant] Regional Environmental Management Plan;</p> <p>(b) Be reviewed and undergo periodic audits by an independent recognized and accredited international or national organization, in accordance with applicable Standards;</p> <p>(c) Facilitate effective reporting to the Authority in connection with environmental performance, pursuant to Regulations 33, 34, 38, 39, and 52; and</p> <p>(d) Include the results of the audit in the Contractor’s annual reports and the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.</p>	<p>(a) Deliver the Authority’s environmental objectives in the Contract Area, including those reflected in the applicant’s Environmental Management and Monitoring Plan, and the [relevant] Regional Environmental Management Plan;</p> <p>(b) Be reviewed and undergo periodic audits by an independent a recognized and accredited international or national organization, in accordance with applicable Standards. The periodical review mechanism shall be included in the Environmental Management System;</p> <p>(c) Facilitate effective reporting to the Authority and the Sponsoring State in connection with environmental performance, pursuant to Regulations 33, 34, 38, 39, and 52; and</p> <p>(d) Include the results of the audit in the Contractor’s annual reports and the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.</p>
46.	<p>Regulation 51</p> <p>(b) Report annually in writing, to the Secretary-General on the implementation and results of the Environmental Management and Monitoring Plan in accordance with Regulation 38, subparagraph 2(g). The Contractor shall submit to the Secretary General environmental data and information in the required standardized format, in real time or at [monthly intervals]/[annually], consistent with best scientific practices, and in accordance with the applicable</p>	<p>Regulation 51</p> <p>(b) Report annually in writing, to the Secretary-General, as well as the Sponsoring State, on the implementation and results of the Environmental Management and Monitoring Plan in accordance with Regulation 38, subparagraph 2(g). The Contractor shall submit to the Secretary General environmental data and information in the required standardized format, in real time or at [monthly intervals]/[annually], consistent with best scientific practices,</p>

	<p>Standards, and taking into account the applicable Guidelines. The Secretary General shall release the environmental data and information 89 of 225 publicly in accordance with Regulation 92bis. The Secretary-General shall transmit annual reports to the Commission for its consideration pursuant to Article 165 of the Convention and publish them pursuant to Regulation 38(3);</p>	<p>and in accordance with the applicable Standards, and taking into account the applicable Guidelines. The Secretary General shall release the environmental data and information 89 of 225 publicly in accordance with Regulation 92bis. The Secretary-General shall transmit annual reports to the Commission for its consideration pursuant to Article 165 of the Convention and publish them pursuant to Regulation 38(3);</p> <p>(e) bis Provide information on how the Mitigation and management measures identified in the Environmental Management and Monitoring Plan are capable in responding to the Environmental Impacts and Environmental Effects from unforeseeable Incident, if any.</p>
47.	<p>Regulation 52</p> <p>3. A Contractor shall hire a competent and Independent Auditor to [carry out the performance assessment required for the purpose of this Regulation and shall submit the findings in a] report to the Secretary-General in accordance with, and in the format set out in, the applicable Standards and taking into consideration Guidelines</p>	<p>Regulation 52</p> <p>3. A Contractor shall hire a competent and Independent Auditor to [carry out the performance assessment required for the purpose of this Regulation and shall submit the findings in a] report to the Secretary-General and to the Sponsoring State in accordance with, and in the format set out in, the applicable Standards and taking into consideration Guidelines</p>
48.	<p>Regulation 53</p> <p>2. The <u>[Secretary General]</u> <u>[Authority]</u> shall facilitate the exchange of knowledge, information and experience relating to Incidents between Contractors and States, and shall draw on the advice of other relevant international organizations, so that such knowledge and information can be used to prevent, reduce and control pollution and other hazards to the Marine Environment, <u>[including the coastline]</u>, by <u>[supporting]</u>:</p>	<p>Regulation 53</p> <p>2. The <u>[Secretary General]</u> <u>[Authority]</u> shall facilitate the exchange of knowledge, information and experience relating to Incidents between Contractors and States, and shall draw on the advice of other relevant international organizations, so that such knowledge and information can be used to prevent, reduce and control pollution and other hazards to the Marine Environment, <u>[including the coastline]</u>, by <u>[supporting]</u>:</p>

	<p>(a) Contractors to meet their requirements, inter alia under Regulation 53(1); and</p> <p>(b) the Authority to prepare and revise <u>applicable relevant</u> Standards and Guidelines and to develop and disseminate other appropriate materials.</p>	<p>(a) Contractors to meet their requirements, inter alia under Regulation 53(1); and</p> <p>(b) the Authority to prepare and revise <u>applicable relevant</u> Standards and Guidelines and to develop and disseminate other appropriate materials.</p> <p>(b) bis The Sponsoring State to be fully informed of the incidents and the actions taken by the Contractor.</p>
49.	<p>Regulation 55 alt.</p> <p>1- The <u>[purpose of the]</u> Environmental Compensation Fund <u>[is to function as a “last resort” compensation fund only]</u>has two purposes: (a) In the event that there is [unlawful] environmental damage caused by contractor activities that were not [foreseen in the Plan of Work or that arise from a breach of any condition of approval]<u>consented], then in accordance with the polluter pays principle the Contractor shall bear liability for the financing of any measure to mitigate that [unlawful] environmental damage and shall also be liable for compensation to any person affected by that [unlawful] environmental damage, [but] if the Contractor is unable to meet that liability in full, [and the Sponsoring State is not liable under Article 139 (2) of the Convention]</u> then, as a last resort, the environmental compensation fund may be called upon.</p>	<p>Regulation 55 alt.</p> <p>1- The <u>[purpose of the]</u> Environmental Compensation Fund <u>[is to function as a “last resort” compensation fund only]</u>has two purposes: (a) In the event that there is [unlawful] environmental damage caused by contractor activities that were not [foreseen in the Plan of Work or that arise from a breach of any condition of approval]<u>consented], then in accordance with the polluter pays principle the Contractor shall bear liability for the financing of any measure to mitigate that [unlawful] environmental damage and shall also be liable for compensation to any person affected by that [unlawful] environmental damage, [but] if the Contractor is unable to meet that liability in full, [and the Sponsoring State is not liable under Article 139 (2) of the Convention]</u> then, the Contractor’s financial capabilities has been exceeded to limit, remedy, and compensate any damage to the Marine Environment arising from the activities under the Exploitation Contract, so the Contractor is not able to meet the liability in full, as a last resort, the environmental compensation fund may be called upon.</p>
50.	Regulation 93 ter	Regulation 93 ter

		<p>Add. 1 (d) bis Emergency Response and Contingency Plan</p>
51.	<p>Regulation 99</p> <p>[1. If, as a result of an inspection, an Inspector has reasonable grounds to determine that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a threat of [Serious] Harm to the Marine Environment [or to human remains and objects and sites of an archaeological or historical nature], the Inspector shall give a written instruction, which will have immediate effect, of a temporary nature considered reasonably necessary to remedy the situation, in accordance with any applicable Standards, including:</p> <p>.....</p> <p>(c) A [written] instruction that the Contractor must take the steps set out in the instruction, within the specified period, to rectify the occurrence, practice or condition.</p>	<p>Regulation 99</p> <p>[1. If, as a result of an inspection, an Inspector has reasonable grounds to determine that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a threat of [Serious] Harm to the Marine Environment [or to human remains and objects and sites of an archaeological or historical nature], the Inspector shall give a written instruction, which will have immediate effect, of a temporary nature considered reasonably necessary to remedy the situation, in accordance with any applicable Standards, including:</p> <p>.....</p> <p>(c) A [written] instruction that the Contractor must take the steps set out in the instruction, within the specified period, to rectify the occurrence, practice or condition including, if necessary, a temporary suspension of certain activities within the specified period or at specified times or in specified circumstances.</p>
52.	<p>Regulation 100</p> <p>1. No later than thirty 30 D days after the end of an inspection, the Inspector shall prepare and deliver a report to the Chief Inspector in accordance with the template and other requirements set out inof the applicable relevant Standards and in accordance with relevant Guideline setting out the</p>	<p>Regulation 100</p> <p>1. No later than thirty 30 D days after the end of an inspection, the Inspector shall prepare and deliver a report to the Chief Inspector in accordance with the template and other requirements set out inof the applicable relevant Standards and in accordance with relevant Guideline setting out the findings</p>

	findings and any recommendations for improvements in performance, procedures or practices by a Contractor. The Chief Inspector shall send the report to the Compliance Committee and the Secretary General, [who shall send a copy of the report to the Contractor and its S sponsoring State or States].	and any recommendations for improvements in performance, procedures or practices by a Contractor. The Chief Inspector shall send the report to the Compliance Committee, the Council and the Secretary General, [who shall send a copy of the report to the Contractor and its S sponsoring State or States].
53.	Regulation 100 1. bis The Contractor and the S sponsoring State or States may within thirty 30 D days of the date of receipt of the Inspector's report, provide to the Secretary-General comments on the findings and recommendations, including details of any action taken or to be taken in accordance with the findings and recommendations of the Inspector's report. The Secretary-General shall transmit any comments to the Compliance Committee.	Regulation 100 1. bis The Contractor and the S sponsoring State or States may within thirty 30 D days of the date of receipt of the Inspector's report, provide to the Secretary-General comments on the findings and recommendations, including details of any action taken or to be taken in accordance with the findings and recommendations of the Inspector's report. The Secretary-General shall transmit any comments to the Compliance Committee, which shall be further reported to the Council.
54.	Regulation 103 1. At any time, if it appears to the Compliance Committee based on reasonable grounds, including a report from an Inspector, or failure to comply with a written instruction under Regulation 99, that a Contractor is in breach of, the terms and conditions of its Exploitation Contract, provisions of the Convention related to activities in the Area, the Agreement or the r Rules, r Regulations and p Procedures of the Authority, the Compliance Committee shall issue a compliance notice to the Contractor requiring such action [necessary to remedy the breach] as may be specified in the compliance notice and shall report immediately to the Council on the issue of such notice. [The Compliance	Regulation 103 1. At any time, if it appears to the Compliance Committee, based on reasonable grounds, including a report from an Inspector, or failure to comply with a written instruction under Regulation 99, that a Contractor is in breach of, the terms and conditions of its Exploitation Contract, provisions of the Convention related to activities in the Area, the Agreement or the r Rules, r Regulations and p Procedures of the Authority, the Compliance Committee shall issue a compliance notice to the Contractor requiring such action [necessary to remedy the breach] as may be specified in the compliance notice and shall report immediately to the Council on the issue of such notice. [The Compliance Committee shall, through the

	<u>Committee shall, through the Secretary-General provide a copy of the compliance notice to the Sponsoring State or States].</u>	<u>Secretary-General provide a copy of the compliance notice to the Sponsoring State or States].</u>
55.	<p>Regulation 106</p> <p>1. Disputes concerning the interpretation or application of these Regulations and an Exploitation Contract shall be settled in accordance with section 5 of Part XI[Part XV and Annex 6 of the Convention. <u>[and the rules of procedure adopted by the International Tribunal for the Law of the Sea for the conduct of expedited hearings concerning the Rules of the Authority.]</u></p>	<p>Regulation 106</p> <p>1. Disputes concerning the interpretation or application of these Regulations and an Exploitation Contract shall be settled in accordance with section 5 of Part XI[Part XV and Annex 6 of the Convention. <u>[and the rules of procedure adopted by the International Tribunal for the Law of the Sea for the conduct of expedited hearings concerning the Rules of the Authority.]</u></p>