

Consultations with [potentially most affected][coastal] States

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

~~(a) Scoping [report];~~

~~[(b) Environmental Impact Assessment;]~~

~~[(c) Environmental Impact Statement;]~~

~~[(d) Environmental Management and Monitoring Plans;]~~

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

~~[(f) Closure Plans;]~~

~~[(g) Any review/update of the above documents [in light of][required by] Material Change].]~~

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

~~(a) [Adjacent] coastal States, [which may include those that are adjacent to the area covered by the Plan of Work], whose sovereign rights for the purpose of exploring and exploiting, conserving or~~

Consultation with coastal States

1. Prior to preparing [the documents referred to in Regulation 7] [the Plan of Work], the Applicant shall:
 - (a) Notify the Coastal States across whose jurisdiction resource deposits related to the proposed activity may lie of the Applicant's intention to apply for a Plan of Work.
 - (b) Request that the Secretary-General inform all other [Coastal] [Member] States [for the purpose of the procedure in paragraph 4(b) of Regulation 4] [of the Applicant's intention to apply for a Plan of Work].
2. [Upon receipt of] [Within 30 days of receiving] the Applicant's notification through the Secretary-General, any Coastal State falling within paragraph 4(b) of Regulation 4 may inform the Applicant in writing that it wishes to participate in the Applicant's consultations with Coastal States.
3. Applicants shall invite the Coastal States referred to in paragraph 1 above, as well as any other Coastal States which have written to the Applicant pursuant to paragraph 2 above, to submit written comments on the following draft documents:
 - a. [Plan of Work]
 - b. Scoping reporting;
 - c. Environmental Impact Assessment;
 - d. Environmental Impact Statement;
 - e. Environmental Management and Monitoring Plans;
 - f. Performance of Assessment of the Environmental Management and Monitoring Plans; and
 - g. Closure Plans.
4. Where appropriate, the Secretariat, [Contractor, Sponsoring State and/or other States or relevant bodies] should

Commented [A1]: We have deleted this because of comments expressed during the July meeting that this regulation should be more streamlined.

Commented [A2]: Yellow highlight marks what we have retained for the redraft.

~~managing Marine natural resources [in accordance with the Convention] may be affected.~~

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

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

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

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

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

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

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

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

provide [technical, financial and advisory] support to developing States, including small island developing States, upon request, to identify potential effects of the planned activity on Marine areas and their resources under their jurisdiction. [This support should encompass an assistance mechanism, along with training and mentorship programs, to bolster local capacities.]

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

6. The Applicant shall consider the contributions received from coastal States during this consultation period and, as appropriate, revise the proposal accordingly or respond to substantive contributions not reflected in the revised proposal.

7. [Where the planned activity may result in the exploitation of resources lying within the national jurisdiction of a coastal State, the prior consent of the coastal State must be obtained] in writing before the Applicant submits its application for a Plan of Work.

Commented [A3]: This deleted as the substantive content has already been dealt with in DR 4Alt.

~~and provide them with all relevant information]~~

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

~~Regulation 93 quarter~~

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

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

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

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

[To delete and merge with DR 93ter.]