

**ABMTs Small Group Discussions
21 February 2023**

**Article 19
Decision-making**

1. The Conference of the Parties, on the basis of the final proposal and the draft management plan, taking into account the contributions and scientific inputs received during the consultation process established under this Part, and the scientific advice and recommendations of the Scientific and Technical Body:

(a) Shall take decisions on the establishment of area-based management tools, including marine protected areas, and related measures;

[(b) May take decisions on measures [complementary to] [compatible with] those adopted under relevant legal instruments and frameworks and by relevant global, regional, subregional and sectoral bodies;]

SMALL GROUP LED BY NORWAY (21 February 2023)

(b) May take decisions on measures compatible with those adopted by relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies [where proposed measures are not within the competences of such bodies]; and

(c) May, where proposed measures are within the competences of other global, regional, subregional or sectoral bodies, make recommendations to Parties to this Agreement and to global, regional, subregional and sectoral bodies to promote the adoption of relevant measures through such instruments, frameworks and bodies, in accordance with their respective mandates.

2. The Conference of the Parties may recognize, in accordance with the objectives, criteria and decision-making process laid down in this Part, area-based management tools, including marine protected areas, established under relevant global, regional, subregional and sectoral bodies, at the request of that body or of a Party authorized to act on its behalf, or Parties authorized to act on its behalf. The following articles apply to area-based management tools, including marine protected areas, recognized under this paragraph, as if they were established under this Part.

SMALL GROUP LED BY EU (21 February 2023)

2. The Conference of the Parties may [take a decision to] recognize, in accordance with the objectives, criteria and decision-making process laid down in this Part, area-based management tools, including, marine protected areas, established under relevant regional, subregional and sectoral bodies, at the request of that body or of a Party authorized to act on its behalf.

3. The Conference of the Parties shall elaborate the procedures, which shall include the provision of adequate information, transparency, notification, consultation with relevant stakeholders and review by the Scientific and Technical Body, and the manner in which the provisions of this Part shall apply for recognition of area-based management tools, including marine protected areas.

4. In taking decisions under this article, the Conference of the Parties shall respect the competences of[, and not undermine,] relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

SMALL GROUP LED BY NORWAY (August 2023)

[4.] In taking decisions under this article, the Conference of the Parties shall respect the competences of relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

ENDING POINT DISCUSSIONS (SAME)

[4.] In taking decisions under this article, the Conference of the Parties shall respect the competences of ~~and not undermine~~ relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies.

**Article 19 bis
XXX**

SMALL GROUP LED BY AUSTRALIA (21 February 2023)

4. During the period of 120 days provided for in paragraph 3 of this article, any Party may by notification in writing to [the Secretariat] [the Conference of the Parties] make an objection with respect to a decision adopted under this Part and that decision shall not be binding on that Party. An objection to a decision may be withdrawn at any time by written notification to the Secretariat and thereupon the decision shall be binding for that Party ninety days following the date of the notification stating that the objection is withdrawn.

5. A Party presenting an objection under paragraph 4 shall provide to the Secretariat in writing, at the time of presenting its objection, the explanation of the grounds for its objection[, which [shall] [may] be] based on one or more of the following grounds:

(i) The decision is inconsistent with this Agreement or rights and duties of the objecting Party under the Convention [or other relevant rules of international law];

(ii) The decision unjustifiably discriminates in form or in fact against the objecting Party; or

(iii) The Party cannot practicably comply with the decision at the time of the objection after taking all reasonable efforts.

6. A Party making an objection under paragraph 4 shall [to the extent practicable] adopt alternative measures or approaches that are equivalent in effect to the decision to which it has objected, and shall not adopt measures [nor take actions] that would undermine the effectiveness of the decision to which it has objected.

7. A Party shall report periodically to the Conference of the Parties on its implementation of paragraph 6 of this article for its consideration [in accordance with article 21].

8. An objection to a decision made in accordance with paragraph 4 shall be reviewed [by the objecting Party] every three years [after the decision's

entry into force. The objection may only be [by the objecting Party, and only] renewed if the Party considers it is still necessary, by written notification, which includes the Party's explanation on the necessity of renewing the objection, to the Secretariat.

8bis. If no such notification of renewal is received, the objection shall be considered automatically withdrawn [at the close of the three-year review period] and thereupon the decision shall be binding for that Party ninety [120] days after that objection is automatically withdrawn. The Secretariat shall notify the Party 60 days prior to the date the objection will be automatically withdrawn.

9. Decisions of the Conference of the Parties adopted under this Part, and objections to these, shall be made publicly available by the Secretariat and shall be transmitted to all States and relevant legal instruments and frameworks, including the relevant global, regional, subregional and sectoral bodies.