

Appendix. I – compilation of regulations referring to ‘participation, ‘consultation’ and/or ‘Stakeholder(s)’.

Draft Reg	Text	Broad requirement
<p>2 Principles, approaches and policies (4)</p> <p>The co-facilitators revised text.pdf (isa.org.im)</p>	<p>4. According to article 145 of the Convention, the effective protection of the marine environment from the harmful effects which may arise from activities of exploitation, in accordance with the Authority’s environmental policy, including regional environmental management plans, is based inter alia on the following principles and approaches:</p> <p>(i) Intergenerational equity. (ii) Precautionary approach. (iii) Ecosystem approach. (iv) Polluter pays principle (v) Access to data and information relating to the protection and preservation of the Marine Environment. (vi) Accountability and transparency in decision-making; and (vii) Effective public participation.</p> <p>Or alt versions</p> <p>(vi) Accountability and transparency in decision-making; and</p> <p>Alt. 1. Accountability and transparency in all processes, including, inter alia: administration, decision-making, implementation, monitoring, reporting, compliance.</p> <p>(vii) Encouragement of effective public participation;</p> <p>Alt . 1 Ensuring public participation including by Indigenous Peoples and local communities</p> <p>Proposal for a new i):</p> <p>i) Give effect to article 142 of the Convention by ensuring that activity in the area shall be conducted with due regards to rights and legitimate interests of any coastal state a cross/ adjacent whose jurisdiction such deposits lie, and with a view to ensuring:</p> <p>a) Consultation, including a system of prior notification to be maintained with coastal state concerned to avoiding infringement of such rights and interests;</p>	<p>Regulation sets out fundamental principles, approaches and policies of the regulations:</p> <p>Implementation of art 145 ‘effective protection of the marine environment’ includes the principles of accountability and transparency in decision-making and effective participation.</p> <p>Implementation of art 142 ‘due regard to rights and legitimate interest of coastal states’ includes consultation and prior notification of coastal states to avoid infringement of art 142 rights and interests.</p>

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<p>3</p> <p>Duty to cooperate and exchange of information</p> <p>The co-facilitators revised text. pdf (isa.org.jm)</p>	<p>(c) The Authority and sponsoring States shall cooperate to develop, implement and ensure effective and transparent communication, public information and public participation procedures;</p> <p>(d) The Authority shall consult and cooperate with sponsoring States, coastal states, flag States, competent international organizations and other relevant bodies as appropriate, to develop measures to implement these regulations, including to:</p> <p>(i) Ensure effective protection of the health and safety of life and property at sea and of the Marine Environment, with respect to activities in the Area;</p> <p>(ii) Exchange information and data to facilitate compliance with and enforcement of applicable international rules and standards;</p>	<p>Procedures for effective and transparent communication, public information and public participation shall be developed.</p> <p>The Authority shall consult and cooperate with sponsoring States, coastal states, flag States, competent international organizations and other relevant bodies as appropriate, to develop measures to implement these regulations.</p>
<p>4</p> <p>Rights and legitimate interests of coastal States and duty to notify</p> <p>The co-facilitators revised text. pdf (isa.org.jm)</p>	<p>1. Nothing in these regulations affects the rights and legitimate interest 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>Proposal for a new 2) New 2) The Secretary-General shall inform potentially affected coastal States, as identified in the applicable Regional Environmental Management Plan, upon the submission of an application for exploitation. Appropriate consultation and notification protocols will be developed.</p> <p>3. Contractors shall take all measures necessary to ensure that their activities are conducted so as not to cause harmful effects to the Marine Environment, including, but not restricted to, pollution, damage to the flora and fauna, ecological balance and other hazards to the Marine Environment in areas under the jurisdiction or sovereignty of coastal States, and that such harmful effects or pollution arising from activities in its Contract Area does not spread into areas under the jurisdiction or sovereignty of a coastal State. Such measures shall include consulting 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>Proposal of a new 4)</p>	<p>Nothing in these regulations affects the rights and legitimate interest of coastal States in accordance with article 142 and other relevant provisions of the Convention, including its provisions on consultation, prior notification.</p> <p>Potentially affected coastal states shall be informed by Secretary-General when application for exploitation is received. Notes this is coastal states as identified in applicable REMP. Consultation and notification protocols will be developed.</p> <p>Measures for effective protection of the marine</p>

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	<p>4) Such measures shall include consulting with any potentially affected coastal State prior to submitting an application for approval of a Plan of Work. Monitoring of potential transboundary impacts, accurate and precise recording of the operational area, and consultations with any potentially affected coastal State shall be maintained by the Contractor throughout the term of the Contract, with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.</p>	<p>environment in areas under the jurisdiction or sovereignty of coastal States shall include consulting with potentially affected coastal States to ensure their rights and legitimate interests are not infringed. Para 4 states this shall include such consultation prior to submitting an application for approval of a Plan of Work.</p>
<p>9</p> <p>Receipt, acknowledgement and safe custody of applications</p> <p>collation of specific drafting suggestions for posting 0.pdf (isa.org.jm)</p>	<p>1. The Secretary-General shall:</p> <p>(c) Within 30 Days of receipt of every application for approval of a Plan of Work submitted under this Part:</p> <p>(i) Notify the members of the Authority of the receipt of such application and circulate to them [information of a general nature which is not confidential regarding the application] [the contents of the application save for any Confidential Information contained in the application]; and</p> <p>(ii) Notify the members of the Commission of receipt of such application.</p> <p>2. The Commission shall, subject to regulation 11 (4), consider such application at its next meeting, provided that the notifications and information under paragraph 1 (c) above have been circulated at least [30] [90] Days prior to the commencement of that meeting of the Commission. The Commission may defer consideration of such application to its next meeting if it considers the application to be overly complex.</p>	<p>Within 30 days of receiving application for approval of PoW from applicant, Secretary-general shall notify members of the Authority and circulate to them [a general nature] or [the contents of the application], excluding confidential information, regarding such application.</p>
<p>11</p> <p>Publication and review of the Environmental Plans</p> <p>collation of specific drafting suggestions for posting 0.pdf (isa.org.jm)</p>	<p>1. The Secretary-General shall, within seven Days after determining that an application for the approval of a Plan of Work is complete under regulation 10:</p> <p>(a) Place the Environmental Plans and any information necessary for their assessment as well as the non-confidential parts of the test mining study on the Authority's website for a period of [60] [90] Days, and notify and invite members of the Authority [and] [,]</p>	<p>7 days after application determined complete (reg 10), the Secretary General shall put the environmental plans and any information necessary for their assessment and the non-confidential parts of the test-mining study</p>

	<p>Stakeholders and the general public to submit comments in writing, taking account of the relevant Guidelines; and</p> <p>(a)alt. Notify [relevant adjacent] coastal States in writing and place the Environmental Impact Statement, the Regional Environmental Management and Monitoring Plan and the Closure Plan on the Authority's website for a period of 60 Days, and invite members of the Authority and Stakeholders to submit comments in writing in accordance with the Guidelines; and</p> <p>(b) Request the Commission to provide its comments on the Environmental Plans within the comment period.</p> <p>(b)alt1. Request the Commission to provide its comments on the Environmental Plans and the test mining study, prepared in accordance with Regulation [48bis] Paragraph 2 or 3, as applicable, and Annex [IVter], within the comment period. Confidential information pursuant to Regulation 89 contained in the test mining study shall not be made publicly available.</p> <p>(b)alt2. Request the Commission to provide its comments on the Environmental Plans within the comment period. In the case the Commission evaluates that there are aspects of the Environmental Plans that are not covered entirely by its own internal expertise, should nominate within 7 Days from the publication of the Environmental Plans on the Authority's website at least three independent experts selected on the basis of their significant experience or record of publications in a particular deep sea environment or technology sector.</p> <p>2. The Secretary-General shall, within seven Days following the close of the comment period, provide the comments submitted by members of the Authority, Stakeholders, the general public, the Commission and any comments by the Secretary-General to the applicant for its consideration. The applicant shall consider the comments and may revise the Environmental Plans and the test mining study or provide responses in reply to the comments and shall submit any revised plans or responses within a period of 30 Days following the close of the comment period,. unless otherwise decided by the Secretary-General after considering a request by the applicant for the extension of the period. Such an extension of the period may be requested only when revision of plans or responses takes more than 30 Days</p>	<p>for a period of [60] [90] days.</p> <p>Secretary-General shall notify and invite members of the Authority, Stakeholders and the general public to submit written comments.</p> <p>A(alt): <u>only</u> requires coastal States to be notified. Asks for consultation on 'regional EMMP' (typo?). Only asks for 60 days.</p> <p>Within 7 days following close of comment period, Sec-Gen provides comments submitted by members of Authority and Stakeholders (inc. public) to applicant. Applicant can update PoW <u>or</u> provide responses in reply to comments (not mandatory?).</p> <p>Comments publishes on ISA website.</p>
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	<p>and the request shall be made before the time period of 30 Days expires. The extension of the period shall be informed by posting on the Authority’s website. All comments shall be published on the ISA Website.</p> <p>3. The Commission shall, as part of its examination of an application under regulation 12 and assessment of applicants under regulation 13, examine the Environmental Plans or revised plans and the test mining study in the light of the comments made under paragraph 2 above, together with any responses by the applicant, and any additional information provided by the Secretary-General.</p> <p>4. Notwithstanding the provisions of regulation 12 (2), the Commission shall not consider an application for approval of a Plan of Work until the Environmental Plans and the test mining study have been published and reviewed in accordance with this regulation.</p> <p>5. The Commission shall prepare a report on the Environmental Plans and the test mining study. The report shall include details of the Commission’s determination under regulation 13 (4) (e) as well as [a summary of] the comments [or] [and] responses made under regulation 11 (2) as well as any further information provided by the Secretary-General under regulation 11(2). The report shall also include any amendments or modifications to the Environmental Plans recommended by the Commission under regulation 14 and changes subsequently made to application documents by the applicant. Such report on the Environmental Plans or revised plans shall be published on the Authority’s website and shall be included as part of the reports and recommendations to the Council pursuant to regulation 15. In preparing the report, the Commission may seek advice from recognized experts as necessary. In such case, the Commission shall clarify the necessity of advice from experts and seek prior approval of the Council. The experts shall be selected and appointed in accordance with the relevant Guidelines.</p>	<p>Commission’s consideration of PoW in light of Stakeholder comments.</p> <p>Commission cannot consider application unless Stakeholder consultation on Environmental Plans has taken place.</p> <p>Commissions report on Environmental Plans including summary of Stakeholder responses.</p> <p>Such report published on ISA website.</p> <p><i>NB: Good point to do a comparison between DR11 and DR93bis – lots added to make process more comprehensive in DR93bis, and could consider streamlining/removing duplicative elements from DR11 where appropriate?</i></p>
<p>13 Assessment of applicants</p>	<p>1. The Commission shall determine taking into account the comments made by State Parties and Stakeholders, any responses by the applicant and any additional information or comments provided by the Secretary-General, if the applicant:</p>	<p>Commission’s assessment of applicants shall take into account comments made by States, Stakeholders and any responses to such</p>

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		<p>comments from the applicant.</p> <p><i>NB: see comment Reg 20 below.</i></p>
<p>20</p> <p>Term of exploitation contracts</p> <p>Presidents text compilation.pdf (isa.org.jm)</p>	<p>6. The Commission shall recommend to the Council the approval of an application to renew an exploitation contract, and [an exploitation contract shall be renewed by the Council] [an exploitation contract may be renewed by the Council] [and the Council approves the renewal application], provided that:</p> <p>(e) [The Commission has reassessed the Contractor consistent with the requirements of regulation 13(1), 13(2) and 13(3) and is satisfied that the Contractor has the ability to continue exploitation; and]</p>	<p>The link in 20 6 (e) to 13 (1), (subject to drafting being approved in 13(1)) would mean that when the Commission reassesses the Contractor regarding approval of an application to renew an exploitation contract, the Commission shall make such determination 13(1): ‘taking into account the comments made by State parties and Stakeholders and any responses by the applicant’.</p> <p><i>NB: If the above is agreed, best to refer to procedure in Reg 11 and/or DR93bis as source of such Stakeholder consultation?</i></p>
<p>25</p> <p>Document to be submitted prior to production</p> <p>Presidents text compilation.pdf (isa.org.jm)</p>	<p>1. At least 12 months prior to the proposed commencement of production in a Mining Area, the Contractor shall provide to the [Secretary-General] [Commission] a Feasibility Study prepared in accordance with Good Industry Practice, taking into account the Guidelines [as well as the results of the test mining study pursuant to Regulation [48bis], paragraph 2 or 3, as applicable, and in accordance with Annex [IV ter]]. In the light of the Feasibility Study [and the test mining study], [the Secretary-General shall consider whether any Material Change needs to be made to the Plan of Work in accordance with regulation 57 (2). If he or she determines that any such Material Change needs to be made, the Contractor shall prepare and submit to the Secretary-General a revised Plan of Work accordingly] [If the Secretary-General considers any Material Change needs to be made to the Plan of Work, he or she shall submit this matter to the Commission. If the Commission determines as such, the Contractor shall prepare and submit to the Commission a revised Plan of Work accordingly].</p>	

	<p>2. Where, as part of a revised Plan of Work, the Contractor delivers a revised Environmental Impact Statement, Environmental Management and Monitoring Plan and Closure Plan under paragraph 1 above, regulation 57 (2) shall apply mutatis mutandis to such Environmental Plans [if the modification to the Environmental Plans constitutes a Material Change], and such Environmental Plans shall be dealt with in accordance with the procedure set out in regulation 11.</p> <p>3. Provided that, [where applicable], the procedure under regulation 11 has been completed, the Commission shall, at its next meeting, provided that the documentation has been circulated at least 30 Days before the meeting, examine [the Feasibility Study and] any revised Plan of Work supplied by the Contractor under paragraph 1 above, and in the light of any comments made by members of the Authority, Stakeholders and the Secretary-General on the Environmental Plans.</p> <p>[3.bis. An application to renew an exploitation contract shall be accompanied by updated Environmental Plans to be reviewed in accordance with the provisions of regulation 11.]</p>	<p>Where a Material Change is made as a result of Feasibility study to an Environmental Plan(s), the plans shall be dealt with in accordance with DR11, which means Stakeholder consultation.</p>
<p>31</p> <p>Reasonable regards for other activities in the Marine Environment</p> <p>Presidents text compilation.pdf (isa.org.jm)</p>	<p>2. The Authority, in conjunction with member States, shall [endeavour to coordinate, including with other global, regional and sectoral bodies] [take measures] [in an effort] [to ensure] [underscores that Article 147 of the Convention further provides] that other activities in the Marine Environment shall be conducted with reasonable regard for the activities of Contractors in the Area [which includes but not limited to the Authority's facilitation of the coordination between two parties at early stages. For this reason, the Authority shall promote, inter alia, effective and facilitate early-stage consultations coordination between the Contractors and the proponents of the other activities in the marine environment Area].</p> <p>Alt. To further the due and reasonable regard obligations in Articles 87 and 147 in the Convention, the Authority, in conjunction with member States, shall facilitate early stage coordination between the Contractors and the proponents of the other activities in the marine environment].</p>	<p>Consultation/coordination required between Contractors and proponents of other activities in the marine environment.</p> <p><i>NB: If word 'consultation' kept here, need to consider if and how this links to our work on Stakeholder consultation or not (not a big formal, public consultation, but a form of consultation nonetheless).</i></p>

<p>33</p> <p>Preventing and responding to Incidents</p> <p>Presidents text compilation.pdf (isa.org.im)</p>	<p>2. The Contractor shall, upon becoming aware of an Incident:</p> <p>[(a) Notify its Ssponsoring State or States and the Secretary-General immediately, but no later than 24 hours from the [Incident occurring] [moment the Contractor becomes aware of the Incident];</p> <p>(a) alt 1. [Notify its Sponsoring State or States and the Secretary-General immediately 24 hours after the time at which it has reasonable grounds to believe that the Contractor should have become aware of the occurrence of the Incident];</p> <p>(a) alt 2. Notify its Sponsoring State or States, [relevant adjacent Coastal] States [adjacent to the contract area likely to be affected] and the Secretary-General immediately, as soon as reasonably practicable but no later than 24 hours from the [time the] [i][l]incident[ce] occurred;</p> <p>(b) Immediately implement, where applicable, the Emergency Response and Contingency Plan approved by the Authority for responding to the Incident;</p> <p>(c) Undertake promptly, and within such time frame as stipulated, any instructions received from the Secretary-General in consultation with the Ssponsoring State or 20/62 States, flag State, coastal State or relevant international organizations, as the case may be;</p>	<p>Secretary-General may provide Contractor with instructions how to deal with incident. Such instructions developed in consultation with Sponsoring State or States, flag State, Coastal State or relevant international organisations. Contractor must undertake such instructions promptly.</p> <p><i>NB: Need to consider if and how this links to our work on Stakeholder consultation or not (not a big formal, public consultation, but a form of consultation nonetheless).</i></p>
<p>34</p> <p>Notifiable events</p> <p>Presidents text compilation.pdf (isa.org.im)</p>	<p>3. The Secretary-General shall consult with the Sponsoring State or States, [relevant [adjacent] coastal States] and other regulatory authorities as necessary.</p> <p>4. The Contractor shall ensure that all regulatory authorities are notified and consulted, as appropriate.</p>	<p>Regarding notifiable events, Secretary-General shall consult with Sponsoring State(s), [relevant coastal States], and other regulatory authorities.</p> <p>Contract ensures all regulatory authorities notified and consulted.</p>
<p>38</p> <p>Annual Report</p> <p>Presidents text compilation.pdf (isa.org.im)</p>	<p>2. Such annual reports shall include:</p> <p>(p) details of any stakeholder consultations undertaken, including with coastal states, pursuant to Regulation 4.</p>	<p>Annual reports shall include details of any Stakeholder consultations undertaken, including with coastal states, pursuant to Regulation 4.</p>

		<p><i>NB: this could be mandatory Stakeholder consultations required by regs, or any additional Stakeholder consultations that go beyond mandatory requirements?</i></p>
<p>44</p> <p>General obligations</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>1. The Authority, sponsoring States, the Enterprise, Contractors and States competent for vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority shall each, within their respective competence plan, adopt, implement and modify measures necessary for ensuring effective protection of the Marine Environment, including rare or fragile ecosystems all forms of marine life as well as the habitat of depleted, threatened or endangered species from harmful effects directly or indirectly resulting from Exploitation in the Area, including from shipboard dewatering immediately above a mine site of minerals derived from that mine site processing and from transportation of minerals to inland facilities, which may include inland processing in accordance with the Rules of the Authority, Standards and taking into account Guidelines referred to in regulation 45 and the applicable Regional Environmental Management Plan. To this end:</p> <p>(a) In adopting and keeping under periodic review rules, regulations and procedures, as well as the Standards and Guidelines in accordance with the Convention and the Agreement, the Authority shall:</p> <p>(iv) Ensure accountability and transparency in the assessment, evaluation and management of Environmental Effects and risks from Exploitation in the Area, including through Stakeholder participation and the timely prompt public release of relevant environmental data and information at regular intervals and in an accessible format through the Authority's website.</p> <p>(b) In taking all necessary measures to ensure that the Contractor carries out Exploitation in the Area in conformity with the terms of its contract and its obligations under the Rules of the Authority related to the effective protection for the Marine Environment from harmful effects, the Sponsoring State shall, as a minimum, assist the Authority to implement, mutatis</p>	<p>In adopting and keeping under periodic review rules, regulations and procedures, as well as the Standards and Guidelines in accordance with the Convention and the Agreement, the Authority (assisted by the Sponsoring State) shall ensure Stakeholder participation during assessment, evaluation and management of Environmental Effects and risks from Exploitation.</p> <p>In taking necessary measures to prevent, reduce and control pollution and other hazards to the Marine Environment arising from Exploitation in the Area, the Enterprise and Contractors shall ensure Stakeholder participation during assessment, evaluation and management of Environmental Effects and risks from Exploitation.</p> <p>In adopting laws and regulations, in accordance with the Convention, to prevent, reduce and control pollution of the Marine Environment from Exploitation in the Area undertaken by vessels,</p>

	<p>mutandis, the measures set out under paragraph (a)(i) to (ivi) above.</p> <p>(c) In taking necessary measures to prevent, reduce and control pollution and other hazards to the Marine Environment ,including the coastline, and of interference with the ecological balance ecosystem structure, function and resilience of the Marine Environment including the coastline, and of interference with the ecological balance of the Marine Environment arising from Exploitation in the Area, the Enterprise and Contractors shall implement, mutatis mutandis, the measures set out under paragraph (a)(i) to (iii) above and demonstrate accountability and transparency in the assessment, evaluation and management of Environmental Effects and risks from Exploitation , including through Stakeholder participation and the timely public release of environmental data and information on their respective activities at regular intervals and in an accessible format. In so doing, the Enterprise and Contractors shall apply a priority order to avoid, minimize, mitigate, and remediate shall Mitigate harm to the Marine environment mitigate, and remediate restore, and as a last resort, ,offset where agreed, harm to the Mmarine Eenvironment. as well as and adapt the necessary measures to newly emerged obtained information and data.</p> <p>2. In adopting laws and regulations, in accordance with the Convention, to prevent, reduce and control pollution of the mMarine environment from Exploitation in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be, States shall implement, mutatis mutandis, the measures set out under paragraph 1(a)(i) to (ivl) above.</p> <p>2 bis Alt. The parties mentioned in paragraph 1 shall:</p> <p>(d) Ensure accountability and transparency in the assessment, evaluation and management of Environmental Effects and risks from Exploitation in the Area, including through Stakeholder participation and the timely public release of relevant environmental data and information at regular intervals and in an accessible format through the Authority’s website.</p>	<p>installations, structures and other devices flying their flag or of their registry or operating under their authority, States shall ensure Stakeholder participation during assessment, evaluation and management of Environmental Effects and risks from Exploitation.</p> <p><i>NB: 2bis makes same requirement of The Authority, sponsoring States, the Enterprise, Contractors and States competent for vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority to ‘ensure Stakeholder participation during assessment, evaluation and management of Environmental Effects and risks from Exploitation. ‘ but doesn’t specifically lay out their specific competence in these regulations.</i></p>
46bis	1 bis. In the conduct of the environmental impact assessment, the Sponsoring State and Contractor shall,	1 bis Makes explicit that requirements of

<p>Environmental Impact Assessment</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>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 of any coastal State across whose jurisdiction the resource deposits lie, including through maintaining consultations and a system of prior notification, in accordance with Regulation 4.</p> <p>2. The environmental impact assessment process shall include the following steps:</p> <p>(a) A scoping process Stage and scoping report in accordance with Regulation 46ter and annex IVbis to identify and prioritize risk assess the main-anticipated activities and potential impacts associated with the proposed mining operation which are relevant to the assessment, and identify reasonable alternatives to the proposed activity, including a no-action alternative, to Mitigate Environmental Effects as well as to identify and engage with Stakeholders, in order to focus the Environmental Impact Statement on the key environmental issues. The outcome will result in a binding document for all the parties in the mining operation. It should include assessment of the available baseline data and their compliance with the relevant Standard, an environmental risk assessment, and the results of the consultation process with Stakeholders in line with the relevant Standards and Guidelines and set out the terms of reference for the environmental impact assessment.</p> <p>4. The environmental impact assessment process shall:</p> <p>(c) Provide for sStakeholder consultation in accordance with regulation 93bis, relevant Standards and taking into account the relevant Guidelines via effective, time-bound opportunities for participation, including at the scoping stage and before the Environmental Impact Statement is finalized;</p> <p>7. In accordance with article 142 of the Convention and Regulation 4 in the conduct of the environmental impact assessment, with respect to resource deposits in the Area which lie across the limits of national jurisdiction, the Sponsoring State and the Contractor shall maintain consultations, including a system of prior notification, with any coastal State whose limits of national</p>	<p>regulation 4 regarding coastal states apply to environmental impact assessments. Para 7 duplicates and adds detail to this.</p> <p>2 (a) Scoping report should include results of the consultation process with Stakeholders in line with the relevant Standards and Guidelines. Alternatively, 46bis alt states Scoping report only identifies Stakeholders. Then Stakeholder consultation is conducted at point of submission to the Authority. Process followed similar to Reg 11 and 93bis (this WG proposal). Consider how to align/streamline holistically.</p> <p>4 c) EIA shall provide for Stakeholder consultation in accordance with regulation 93bis (this IWG's drafting proposal), relevant Standards and taking into account the relevant Guidelines via effective, time-bound opportunities for participation, including at the scoping stage and before the Environmental Impact Statement is finalized;</p> <p><i>NB: deletion of Stakeholder consultation before EIS finalized deleted since we put in our proposal (link with</i></p>
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	<p>jurisdiction resource deposits in the Area lie adjacent to the Contract Area across 12 whose jurisdiction resource deposits in the Area lie [across whose jurisdiction resource deposits in the Area lie with a view to avoiding infringement of their rights and legitimate interests, in accordance with Regulation 4.</p> <p>8. In conducting an environmental impact assessment for the purposes of these regulations, an applicant or Contractor shall proactively consult with Stakeholders at all stages, in accordance with relevant Standards and taking account of Guidelines; and in the course of such consultations, the applicant or Contractor shall:</p> <p>(a) Provide Stakeholders with access to up-to-date and comprehensive information about the proposed activities and environmental data and impacts;</p> <p>(b) Use best efforts to obtain Stakeholder comments on the draft scoping report and draft environmental impact statement for a reasonable period. Provide a reasonable opportunity for Stakeholders to raise enquiries and to make known their views;</p> <p>(c) Make publicly available Stakeholder comments received during the consultation process, including on the applicant or Contractor’s own website;</p> <p>(d) Record and address, in the scoping report and Environmental Impact Statement respectively, any Stakeholder comments received.</p> <p>9. The Environmental Impact Statement shall be in the form prescribed by the Authority in annex IV to these regulations and shall:</p> <p>(c) Identify substantive comments received through public consultation on the environmental impact assessment and how they have been addressed;</p> <p>46bis alt EIA Scoping</p> <p>2. In undertaking the environmental impact assessment scoping process, the applicant or Contractor shall:</p> <p>c. Proactively identify Stakeholders in accordance with relevant Standards and taking into account any Guidelines; and</p>	<p>8b). Need to consider groups thoughts on this.</p> <p>Para 7 – coastal State consultations during EIA (beyond scope of DR93bis?)</p> <p>NB: Para 8 – added to draft after this WG added our proposal. Covers many of same policies, with some additions - need to consider how can align.</p> <p>9 – EIS shall identify substantive comments received through public consultation on EIA and how addressed.</p>
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	<p>4. Upon receipt of a scoping report from an applicant or Contractor, the Secretary-General shall:</p> <p>e. Make the report available on the Authority's website for a period of at least 60 days, with an invitation for members of the Authority and Stakeholders to submit comments in writing;</p> <p>f. Following the close of the comment period under paragraph (1)(a), provide any comments received to the applicant or Contractor with a specified timeframe for response; g. Following the close of the comment period under paragraph (1)(a), provide any comments received to the applicant or Contractor with a specified timeframe for response;</p> <p>h. At the expiry of the timeframe specified in paragraph (1) (b), provide the Commission with the scoping report, any stakeholder comments received, and any responses to those comments from the applicant or Contractor.</p> <p>5. The Commission shall consider a scoping report submitted in accordance with this regulation, and any comments and responses received, in accordance with any relevant Standards and taking into account Guidelines. Based on this review, the Commission shall make recommendations to the applicant or Contractor regarding the proposed environmental impact assessment, accompanied by a detailed rationale.</p>	
<p>46 ter</p> <p>Environmental monitoring</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>5. In implementing paragraph 1, the Sponsoring State and Contractor shall maintain consultations, including a system of prior notification, with any adjacent coastal State across whose limits of national jurisdiction jurisdiction across whose jurisdiction resource deposits in the Area lie with a view to avoiding infringement of their rights and legitimate interests, in accordance with Regulation 4</p>	<p>Reiterates requirements regarding coastal states from Reg 4 explicitly applying to environmental monitoring (<i>beyond scope of DR93bis?</i>).</p>
<p>47</p> <p>Environmental Impact Statement</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>3. The Environmental Impact Statement shall must be in the form and deliver-entail the contents as prescribed by the Authority in annex IV to these regulations and shall:</p> <p>(b) ...Identify include comments received through the public Stakeholder consultation on the environmental impact assessment process and explain how such each comments have been incorporated or otherwise addressed considered they have been addressed;</p>	<p>EIS shall include comments from Stakeholder consultation during EIA process, and explain how addressed. Para c has same subject, but refers to 'substantive' comments.</p>

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	<p>(c) Include Identify substantive comments received through the Stakeholder consultation process and an explanation of how such comments have been taken into account considered and addressed by the applicant or Contractor, as the case may be, also including a description of the analysis of alternatives, including a noaction alternative;</p>	
<p>48 bis Test Mining ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>4. Contractors should apply for the approval for test mining projects from the Authority in accordance with all relevant Regulations, Standards and Guidelines and the criteria set forth in Regulation 13(1)(g). The potential effects of test mining projects shall be assessed as part in the form of an Environmental Impact Assessment in Regulation 46bis Environmental impact assessment. Potentially affected States, international organisations and relevant Stakeholders shall be consulted in accordance with the relevant Standards and Guidelines.</p>	<p>Regarding test-mining, potentially affected States, international organizations and relevant Stakeholders shall be consulted in accordance with the relevant Standards and Guidelines. Unclear when.</p> <p><i>NB: approval process mentioned for test-mining in 48bis alt, and references to Reg 11, but unclear how this works. Once this is worked out by the informal IWG on test-mining, can consider how links with our work.</i></p>
<p>52 Review of the performance assessments of the Environmental Management and Monitoring Plan ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>4. The Commission shall review a performance assessment report and any stakeholder comments received to it at its next available meeting, provided that the report has been circulated at least 30 Days in advance of such meeting. If the Commission does not possess sufficient expertise amongst its members, it shall consult independent experts to review the performance assessment. The Commission should, where necessary and appropriate, consult external experts to review the performance assessment. The Secretary-General shall publish the report and provide opportunity for Stakeholders to comment, and at the end of that consultation period shall transmit the report and any Stakeholders' comments to the Commission for review. The Secretary-General shall make public the report and the findings and recommendations resulting from the Commission's review.</p> <p>5. Where the Commission upon review of the report and any Stakeholder comments received in relation to it, considers the performance assessment to be unsatisfactory or the report submitted to be inadequate,</p>	<p><i>Paragraph 4 is slightly unclear after edits. The most likely interpretation of intention is the below:</i></p> <ul style="list-style-type: none"> a) Contractor submits performance assessment (PA) to SG b) SG publishes PA and conducts Stakeholder consultation (SC) (<i>like in DR11, but we could link to DR93bis?</i>) c) PA given to Commission with SC comments for review

	<p>in relation to taking account of the applicable Standards, relevant Guidelines and the Environmental Management and Monitoring Plan, the Commission may require, after providing the Contractor with a reasonable opportunity to address any inadequacies, the Contractor to:</p> <p>...</p> <p>8. Where, as the result of a review by the Commission under paragraph 4 above, the Commission concludes that a Contractor has failed to comply with the terms and conditions of its Environmental Management and Monitoring Plan or that the plan is determined to be inadequate in any material respect, the Secretary-General Commission shall:</p> <p>(a) Recommend to the Council to lssue a compliance notice under regulation 103 or;</p> <p>(b) Require the Contractor to deliver a revised Environmental Management and Monitoring Plan, taking into account the findings and recommendations of the Commission. A revised plan shall be subject to the process under regulation 11.</p> <p>9. The Commission shall report annually to the Council on such performance assessments and any action taken pursuant to paragraphs 5 to 8 by it or the Secretary-General. Such report shall include any relevant recommendations for the Council’s consideration. Such report shall be published on the Authority’s website.</p>	<p>Para 8 - Where, as the result of a review the Commission concludes that a Contractor has failed to comply with the terms and conditions of its Environmental Management and Monitoring Plan or that the plan is determined to be inadequate in any material respect, the Commission shall recommend to the Council to issue compliance notice, or require the Contractor to deliver a revised EMMP, which shall be revised in accordance with Reg 11 (which includes Stakeholder consultation).</p>
<p>54</p> <p>Establishment of an Environmental Compensation Fund</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>1. The Authority hereby establishes the Environmental Compensation Fund. Referred to as “the Fund” in the following.</p> <p>2. The rules and procedures of the Fund shall be established by the Council on the recommendation of the Finance Committee before the commencement of Commercial Production [prior to the grant of an the approval of a first plan of work for a exploitation contract under these regulations,</p> <p>Those rules and procedures shall include:</p> <p>(a) A mechanism for financing the funds in accordance with regulation 56, including replenishment upon disbursement;</p>	<p>Para 2 (h) provides for the promotion of the participation of affected persons or other Stakeholders in decisions about disbursement of funds.</p> <p><i>NB: this is worded as ‘promotion’ which doesn’t feel like a strong enough mandatory commitment to link to DR93bis, but that potentially would need to be in line with a) Standards and Guidelines</i></p>

	<p>(b) A description of how the funds and any interest generated will be managed and by whom;</p> <p>(c) The process for accessing the funds;</p> <p>(d) The type of damages and purposes eligible for claims against the funds;</p> <p>(e) The standard of proof required for claims against the funds;</p> <p>(f) A policy on refunds of Contractor payments into the funds;</p> <p>(g) A process for determining disbursements or refunds from the funds; and</p> <p>(h) The promotion of the participation of affected persons or other Stakeholders in decisions about disbursement of funds.</p> <p>3. The Secretary-General shall, in consultation with the Finance Committee, within 90 Days of the end of a Calendar Year, prepare an independently audited statement of the income and expenditure of the Fund for circulation to the members of the Authority.</p>	<p>developed for SC and b) an overarching ISA strategy for SC and/or public participation.</p>
<p>57</p> <p>Modification of a Plan of Work by a Contractor</p> <p>The co-facilitators revised text.pdf (isa.org.jm)</p>	<p>3. Where the proposed modification under paragraph 2 above relates to a Material Change in the Environmental Management and Monitoring Plan or Closure Plan, such plans shall be dealt with in accordance with the procedure set out in regulation 11, prior to any consideration of the modification by the Commission.</p> <p>Alt 1. 3. Where the proposed modification under paragraph 2 above may have a potential impact on the Environmental Management and Monitoring Plan or Closure Plan, such plans shall be dealt with in accordance with the procedure set out in regulation 11, prior to any consideration of the modification by the Commission.</p>	<p>Para 3 - If Material Change to a PoW relates to EMMP or Closure Plan, such plans shall be dealt with in accordance with Reg 11, which includes SC prior to consideration by the Commission.</p> <p><i>NB: original drafting requires being reconsidered under DR11, including SC when proposed modification 'related to a Material Change' in EMMP or Closure Plan. Alt 1.3 requires being reconsidered under DR11, including SC when proposed modification</i></p>

		<p><i>'may have a potential impact on EMMP or Closure Plan', which means the plan has to undergo reconsideration under DR11 without reaching Material Change threshold.</i></p> <p><i>Can the group please consider views on the above?</i></p>
<p>58</p> <p>Review of a Plan of Work</p> <p>The co-facilitators revised text.pdf (isa.org.jm)</p>	<p>3. The Secretary-General shall report on each review to the Commission and Council, and the sponsoring State or States. Where, as a result of a review, the Contractor wishes to make any changes to a Plan of Work and such changes are Material Changes requiring the approval of the Council, based on the recommendation of the Commission, the Contractor shall seek that approval in accordance with regulation 57 (2) and, where applicable, regulation 57 (3).</p> <p><i>Alt 1. 3. The organ in charge of the review shall report on each review to the Commission and Council, the sponsoring State or States and the relevant coastal states. Where, as a result of a review, material changes need to be made to the Plan of Work, the Commission shall recommend said changes to the Council, and the Contractor shall implement such changes as soon as viable. Where, as a result of a review, the Contractor wishes to make any changes to a Plan of Work and such changes are Material Changes requiring the approval of the Council, based on the recommendation of the Commission, the Contractor shall seek that approval in accordance with regulation 57 (2) and, where applicable, regulation 57 (3).</i></p> <p>4. For the purpose of the review, the Contractor shall provide all information required by the Secretary-General in the manner and at the times the Secretary-General requests.</p> <p>5. Nothing in this regulation shall preclude the appropriate organ of the Authority Secretary-General, the Sponsor State or States, or the Contractor from making a request to initiate discussions regarding any matter connected with the Plan of Work, exploitation</p>	<p>Relevant organs of the Authority/Secretary-General (<i>struck out in some places</i>) shall undertake reviews of activities under a Plan of Work at intervals not exceeding 5 years, or if any of the events/changes in DR58 1(a-h) have occurred. If the relevant organ/SG recommends changes to PoW which are Material Changes, this requires approval by Council, and such approval shall be in accordance with Reg 57 (2) or (3). As noted in above comments on DR57, para 3, if Material Change to a PoW relates to EMMP or Closure Plan, such plans shall be dealt with in accordance with Reg 11, which includes SC prior to consideration by the Commission.</p>

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	<p>contract or the activities under the exploitation contract in cases other than those listed in paragraph 1 above.</p> <p>6. The Secretary-General shall make publicly available the findings and recommendations resulting from a review of activities under this regulation.</p>	
<p>59</p> <p>Closure plan</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>2bis. Transparency shall be guaranteed during the Closure process and relevant stakeholders shall be consulted in the Closure Plan design.</p> <p>...</p> <p>5. In the five years preceding the planned end of the period of Exploitation, the Closure Plan shall be updated annually and be finalized in accordance with regulation 60(1). Otherwise, the Closure Plan shall be reviewed and updated taking into account the results obtained from monitoring post-closure activities and each time there is a Material Change in a Plan of Work, including new knowledge, technologies, devices and new scientific findings, change of contractor or sponsoring State, or also, in cases where no such Material Change has occurred and no monitoring data and information or improved knowledge or technology has signalled a need for updates, every five years and at the end of the project and be finalized in accordance with regulation 60 (1).</p>	<p>Para 2bis states relevant Stakeholders shall be consulted in the Closure Plan ‘design’. Currently, Regulation 11 only requires Stakeholder consultation on the Closure Plan once submitted in an application for approval of a PoW to the Authority. <i>NB: Need to consider if group wants SC in development of Closure Plan (like in ‘Scoping’ of EIA), if it is ‘encouraged’ or ‘mandatory’, if it is all Stakeholders or just ‘relevant’. Also need to consider previously, it was only EIA that required SC in development phase and not other Environmental Plans. If SC is required for Closure Plan and EIA, need to consider why not required for other Environmental Plans as well (e.g. EMMP).</i></p> <p><i>Potential solution – mandatory SC remains for EIA development (e.g. Scoping report), but SC ‘encouraged’ in Closure Plan guidance for the development phase.</i></p> <p><i>Reason for additional SC on EIA during development compared to other Environmental Plans</i></p>

		<p><i>could be that EIA becomes underpinning evidence for all other Environmental Plans, so needs this extra SC?</i></p> <p>Para 5 – <i>Noting content of this paragraph and DR60 likely to be clarified by informal IWG on Closure Plan, it can be assumed the intention of para 5 (specifically regarding SC) is that when the Closure Plan is reviewed and updated,:</i></p> <p>A) because of a Material Change in the PoW, b) every five years, and/or c) annually for the five years at the end of the mining project</p> <p>SC is either required because</p> <p>a) <i>original drafting now struck out in DR60 (1) as laid out in Reg 11 because Reg 59 links the update of a Closure Plan to be finalized in accordance with Reg 60 (1), which previously linked to being in accordance with Reg 57, which includes that “where the proposed modification under paragraph 2 above relates to a Material Change in the Environmental Management and Monitoring Plan or Closure Plan, such plans shall be dealt with in accordance with the procedure set out in</i></p>
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		<p>regulation 11, prior to any consideration of the modification by the Commission”.</p> <p>b) link in DR60 (1) to DR 57 now deleted, and replaced with specific SC requirements in 1bis, 1ter and 2.</p> <p><i>For consideration:</i></p> <p><i>1) where is SC required when a Closure Plan is updated: A) because of a Material Change in the PoW, and/or b) every five years, and/or c) annually for the five years at the end of the mining project</i></p> <p><i>2) Which drafting approach is best:</i></p> <p><i>a) original link replaced in DR60 (1) to DR57, which links to requirements of DR11, which in turn will link to our overarching proposal on SC DR93bis?</i></p> <p><i>b) same as above, but also make explicit SC required when Closure Plan reviewed?</i></p> <p><i>c) No link to DR 11 and retain removal of DR57 from DR60 (1), and retain only specific requirements for SC in DR 60 1bis, 1ter and 2 (not so in line with the Standardising approach taken so far with this group?).</i></p> <p><i>See DR60 below</i></p>
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<p>60</p> <p>Final Closure Plan: cessation of production</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>1. A Contractor shall, at least 24 months prior to the planned end of Commercial Production, or as soon as is reasonably practicable in the case of any unexpected cessation, submit to the Secretary-General, for the consideration of the Commission, a final Closure Plan, determined in accordance with the procedures established in Regulation 57, taking into account the results of monitoring and data and information gathered during the exploitation phase and the applicable Regional Environmental Management Plan if any.</p> <p>1bis. The Secretary-General shall make the final Closure Plan submitted pursuant to paragraph (1) available on the Authority's website for a period of at least 60 days and invite members of the Authority and Stakeholders to submit comments in writing.</p> <p>1 ter. The Secretary-General shall, within [seven days]/ [2 weeks] following the close of the commenting period under paragraph 1bis, provide the comments submitted by members of the Authority and Stakeholders, to the applicant Contractor for its consideration and to the Commission. The Contractor shall consider the comments and provide responses to the comments and shall submit any revised plans and responses to the Commission.</p> <p>2. The Commission shall examine the final Closure Plan and any comments received pursuant to paragraph (1)bis and revisions and responses made pursuant to paragraph 1ter at its next meeting, provided that these have been circulated at least 60 Days in advance of the meeting. The Commission should, where necessary and appropriate to ensure sufficient technical expertise, consult external experts, identified in accordance with Annex VI, to evaluate the final Closure Plan.</p> <p>...</p> <p>8. The Council shall consider and take a decision on the report and recommendation of the Commission relating to the approval of the final Closure plan and the amount of the Environmental Performance Guarantee. Any reports and recommendations submitted to the Council and decisions made by the Council under this regulation shall be published on the Authority's Website by the Secretary-General within 7 days of a submission or decision being made.</p>	<p>See above DR59</p>
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	<p>9. Any reports and recommendations submitted to the Council and decisions made by the Council under this regulation shall be published on the Authority’s Website by the Secretary-General within 7 days of a submission or decision being made.</p>	
<p>Annex IV</p> <p>Environmental Impact Statement</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>Executive Summary</p> <p>One of the main objectives of the executive summary is to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers. Information provided in the executive summary should include:</p> <p>(f) Consultation undertaken with other parties and Stakeholders.</p> <p>Section 1 – Introduction</p> <p>1.5.3 Consultation overview.</p> <p>Provide overview of mandatory voluntary stakeholder consultation process and consultations.</p> <p>Section 13 - Consultation</p> <p>Consultations shall be inclusive, transparent and open to all relevant stakeholders, including States, global, regional, subregional and sectoral bodies, as well as civil society, the scientific community, indigenous peoples and local communities.</p> <p>13.1 Consultation methods</p> <p>Provide a Description of the nature and extent, participation and outcomes of consultation(s) that have taken place with relevant Stakeholders, and how their comments have been addressed in the Environmental Impact Assessment.</p> <p>13.1 Consultation methods</p> <p>This includes Describing the mechanism(s) used to consult with different groups and how this aligns with any the relevant Standards and Guidelines, also incorporating criteria for Preservation Reference Zones and Impact Reference zones.</p>	<p>Executive Summary para (f) - Executive summary should include detail on consultation undertaken with other parties and Stakeholders. <i>This is broad, and would seem to cover both voluntary and mandatory Stakeholder consultation and consultation with other parties.</i></p> <p><i>NB: This broad approach seems the best way to cover in an executive summary?</i></p> <p>1.5.3 – presume typo, and that this introduction should provide overview of both mandatory AND voluntary Stakeholder consultation, the process undertaken for Stakeholder consultation, and an actual overview of the consultation comments and how addressed.</p> <p><i>NB: Should drafting be made clearer?</i></p> <p>Section 13 – Consultation.</p> <p><i>NB: The informal IWG on EIAs are considering what information should be retained in a Regulation</i></p>

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	<p>13.2 Stakeholders List Stakeholders that have been consulted and explain the process by which Stakeholders were identified. This should include a brief description of the Stakeholders and a historic overview of any previous activities conducted by the Stakeholders in The Area.</p> <p>13.3 Public consultation and disclosure Provide a description of the goals and consultation workshops/meetings that occurred prior to the preparation of the report, including outlining . include a description of the any concerns and comments identified made by sStakeholders and how these will be addressed, and, if not, describe the reasons for that decision.</p> <p>13.3bis Commission consultation Summarize the Legal and Technical Commission’s recommendations on the Scoping Report and proposed Terms of Reference for the applicant’s environmental impact assessment submitted to the Commission, and justification for any deviation either from those submitted Terms of Reference, or from the Commission’s recommendations.</p> <p>13.3 ter Stakeholder and coastal State Consultation Describe how comments received under Stakeholder consultation have been or will be taken into account, or why they have not been taken into account, and the reasons for that decision.</p> <p>13.4 Continuing consultation and disclosure Outline any further consultation with sStakeholders that has been deemed necessary and is being planned.</p>	<p>on EIAs/EISs, versus what should be in an Annex, and what in Standards and Guidelines. The preliminary approach is considering moving some of the detail in the annex to Standards and/or Guidelines.</p> <p>Potential solution to consider: group to consider what elements of this Section could be moved to either Regulation, Standard or Guideline (and will try to align with overall approach the EIA IWG are taking where possible). We should keep in mind this Annex is supposed to be a ‘template’ for an EIS. Any mandatory obligations for the EIS should be in a Regulation (e.g. perhaps chapeau of 13, which facilitator has added in line with BBNJ text?), any mandatory ways to achieve such obligations should be in a Standard (e.g. detail under each heading in Section 13?), and further guidance in Guidelines.</p>
<p>Annex IVbis</p> <p>Scoping Report</p> <p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>[A Scoping Report should be submitted to the Authority in accordance with the relevant Standards and taking into account the relevant Guidelines, and should include:</p> <p>(kl) A report of consultations undertaken during scoping;</p>	<p>Links with requirements for SC on Scoping in DR46bis and DR46bis alt.</p>
<p>Annex VII</p> <p>Environmental Management and Monitoring Plan</p>	<p>2. An Environmental Management and Monitoring Plan shall contain:</p> <p>(p) Details of ongoing consultation with other users of the Marine Environment;</p>	<p>This seems to specifically refer to consultations conducted under DR31 on other users of the marine environment.</p>

<p>ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>		<p><i>As noted there, this feels like a type of SC which would not fit with the formal overarching process in DR93bis, but would require its own specific Standards/Guidance on its conduct? Any specific provisions required could be added to DR31, or future S&Gs or overarching strategy of ISA for SC? Feels beyond scope of this group, like coastal States?</i></p>
<p>Annex VIII Closure Plan ENV-Facilitator-further-revised-text.pdf (isa.org.jm)</p>	<p>1. The Closure Plan or Final Closure Plan shall be prepared and implemented in accordance with regulation 7, the Environmental Management System, Standards and taking into account the relevant Guidelines and the relevant regional environmental management plan and shall include the following information:</p> <p>(n) Details of consultations with Stakeholders in respect of the plan.</p>	<p>When Closure Plan first submitted under DR11 with initial application for approval of a PoW, such details of consultations with Stakeholders on Closure Plan would be mandatory or voluntary, dependent on decision we make on DR59 2bis.</p> <p>When Closure Plan updated/reviewed, the SC included in the Closure Plan will be a) Sc under Reg 11 and b) SC conducted when reviewed (subject to decisions on DR59 (5) and DR60 highlighted in above table.</p>
<p>94 Adoption of Standards</p>	<p>1. The Commission shall, taking into account the views of [recognized experts,] [recognized experts identified in accordance with annex X] relevant Stakeholders and relevant existing internationally accepted standards, make recommendations to the Council on the adoption and revision of Standards relating to Exploitation activities in the Area, including standards relating to [inter alia]:</p>	<p>94 requires Stakeholder consultation on Standards, and requires that comments are taken into account/given due consideration both when Commission develops them and makes recommendation to</p>

	<p>...</p> <p>2. The Council shall consider and approve, upon the recommendation of the Commission [and taking into account statements submitted by Stakeholders during a public consultation,] [and giving due consideration to submission by stakeholders in the framework of the Public Consultations] the Standards, provided that such Standards are consistent with the intent and purpose of the Rules of the Authority [and] [including] [the decisions of the Council and the Assembly and developed on the basis of Best Available Scientific Evidence]. If the Council does not approve such Standards, the Council shall return the Standards to the Commission for reconsideration in the light of the views expressed by the Council.</p> <p>94 alt</p> <p>2. Standards are prepared by the Commission, which shall take into account the views of recognized experts, relevant Stakeholders, and relevant existing international standards, and make recommendations to the Council on the adoption and revision of Standards. The Council shall consider and approve the Standards upon the recommendation of the Commission. If the Council does not approve such Standards, the Council shall return the Standards to the Commission for reconsideration in the light of the views expressed by the Council. The Standards may be revised at least every five years from the date of their adoption or revision, and in the light of improved knowledge or technology. The Standards approved by the Council shall remain effective on a provisional basis until approved by the Assembly or until amended by the Council in the light of any views expressed by the Assembly</p>	<p>Council, and when Council considers approval.</p> <p>94 alt also requires Stakeholder consultation on Standards, and requires that comments are taken into account when the Commission develops them and makes recommendation to Council, but not explicit that Council does when considering approval.</p> <p><i>NB: Group consider decision on above.</i></p> <p><i>Should this link to overarching DR93bis (current drafting of DR93bis done in way that it should apply, and Commission and/or Council could be the 'consulting party').</i></p>
<p>95</p> <p>Issue of Guidelines</p>	<p>[1. [The Commission [or] [and where there is no conflict of interest] [and] the Secretary-General, [respectively] [shall] [may], [as the case may require] from time to time, [issue] [prepare] Guidelines of a technical or administrative nature, taking into account the views of [the Council and] relevant Stakeholders. Guidelines will support the implementation of these regulations from an administrative and technical perspective.]</p> <p>1. alt. The Commission shall, from time to time, develop Guidelines of a technical nature, for the guidance of Contractors in order to assist in the implementation of</p>	<p>95 requires Stakeholder consultation of 'relevant' Stakeholders on Guidelines, and requires that comments are taken into account when the Commission/Secretary-General develops them and makes recommendation to Council</p>

	<p>these Regulations, taking into account the views of relevant Stakeholders.</p> <p>1. alt bis. The Secretary-General shall, from time to time, develop Guidelines of an administrative nature, taking into account the views of the Commission as well as other relevant Stakeholders.</p> <p>1. alt ter. Guidelines will support the implementation of the Regulations from an administrative and technical perspective. Guidelines will also clarify documentation requirements for an application, detail process requirements (e.g. for the public consultation process, annual reporting and periodic review), and provide guidance on the interpretation of regulatory provisions. [The guidelines are only of a recommendatory nature and does not affect the Contractor's performance of the exploitation contract by means other than the guidelines]</p> <p>2. The full text of such Guidelines shall be [reported] [recommended] to the Council [for adoption]. [In case of Guidelines which are not of a predominantly administrative nature, the Council shall take into account statements submitted by Stakeholders during public consultation]. Should the Council find that a Guideline is inconsistent with the intent and purpose of the Rules of the Authority, it may request that the guideline be modified [or withdrawn]. [Where no such request is made the Council shall approve the Guidelines]</p> <p>95alt</p> <p>2. Guidelines are prepared by the Commission, which shall take into account the views of recognized experts and relevant Stakeholders.</p> <p>5. The Commission or the Secretary-General shall keep under review such Guidelines in the light of improved knowledge or information from Stakeholders.]</p>	<p>Undecided policy in DR95 whether Guidelines need Council approval, or whether Council just retain the right to ask for them to be modified or withdrawn. But specifically regarding Stakeholder consultation, if decision is made that Council considers whether to approve Guidelines, then Council shall take comments of Stakeholders into account.</p>
<p>107</p> <p>Review of these regulations</p>	<p>3. The Council shall establish a process that gives relevant Stakeholders adequate time and opportunity to comment on proposed revisions to these regulations, save for the making of an amendment to these regulations that has no more than a minor effect or that corrects errors or makes minor technical changes</p>	<p>Para 3 requires Stakeholder consultation with 'relevant' Stakeholders on review of regulations.</p>

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		Not explicit that Stakeholder comments should be taken into consideration when Council consider any amendments to regulations.
Schedule: Use of Terms and Scope	“Stakeholder” means a natural or juristic person or an association of persons with an interest of any kind in, or who may be affected by, the proposed or existing Exploitation activities under a Plan of Work in the Area, or who has relevant information or expertise.	IWG drafting so far considers this definition includes the public.