

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART II**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

1. Name of working group

Institutional Matters

(Reference: Text of Facilitator's end of 2022

https://www.isa.org.jm/wp-content/uploads/2022/12/The_co-facilitators_revised_text.pdf)

2. Name(s) of Delegation(s) making the proposal:

Federal Republic of Germany

3. Please indicate the relevant provision to which the textual proposal refers.

Draft Regulation 57

Blue text is in original draft; **Green text** indicates Germany's textual proposals

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Regulation 57

Modification of a Plan of Work by a Contractor

1. A Contractor shall not modify the Plan of Work annexed to an exploitation contract, except in accordance with this regulation.

2. A Contractor shall notify the Secretary-General if it wishes to modify the Plan of Work. The Secretary-General shall, in consultation with the Contractor, consider whether a proposed modification to the Plan of Work constitutes a Material Change in accordance with the Guidelines. If the Secretary-General considers that the proposed modification constitutes a Material Change, the Contractor shall seek the prior approval of the Council based on the recommendation of the Commission under regulations 12 and 16, and before such Material Change is implemented by the Contractor.

Alt.1. 2. A Contractor shall notify the Secretary-General if it wishes to modify the Plan of Work. The Secretary General **shall inform the Council and transfer the request to the Commission**, which shall consider whether a proposed modification to the Plan of Work constitutes a Material Change in accordance with **the Annex** **the Standards**. If the **Commission** considers that the proposed modification constitutes a Material Change, the Contractor shall seek the prior approval of said Council based on the recommendation of the Commission ~~under regulations 12~~ pursuant to regulations 10 to ~~and~~ 16, as applicable, and before such

Material Change is implemented by the Contractor. The sponsoring State shall also be informed.

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.

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.

Alt 2 3: Where the proposed modification constitutes a Material change, the public participation procedure as outlined in regulation 11 shall be held.

4. The Secretary-General may propose to the Contractor a change to the Plan of Work that is not a Material Change, to correct minor omissions, errors or other such defects. After consulting the Contractor, the Secretary-General may make the change to the Plan of Work, and the Contractor shall implement such change. The Secretary-General shall so inform the Commission at its next meeting.

Alt. 1. 4. The Commission or the Secretary-General may propose a change to the Plan of Work that is not a Material Change, to correct minor omissions, errors or other such defects. The Secretary General will transmit the proposal to the Contractor. The Contractor will respond to the proposed change. The Commission will recommend the change to the Plan of Work, and the Contractor shall implement such change. The Secretary-General shall so inform the Council at its next meeting.

5. Please indicate the rationale for the proposal. [150 word limit]

- We support para 2bis and 4bis with slight amendments.
- We think a list of substantial criteria are needed outlined at best in an Annex with a set of indicative criteria to define “material change” that the Commission will apply in their assessment. An Annex is more appropriate than a Standard.
- We furthermore think that the normal approval procedure should apply as far as appropriate. To this end, we suggest to refer to regulations 10 to 16.
- Instead of para 3 and para 3 alt 1, we suggest the para 3 alt 2 in order to ensure that in case of material change the public has the chance to comment on the modifications according to the procedure as outlined in regulation 11.
- Finally, in para 4bis we think both the Commission or the Secretary-General may propose changes which do not constitute a Material Change.