

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

Informal Working Group - Environment

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.im/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 58

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 58

Review of ~~activities under~~ a Plan of Work

1. At intervals not exceeding five years from the date of signature of the exploitation contract, or where, **according to the relevant organ of the Authority, as appropriate in the opinion of the Secretary General**, there have occurred any of the following events or changes of circumstance **in taking into account the applicable standards**:

(a) A proposed Material Change in the implementation of the Plan of Work;
(a.bis) **Identification of a new environmental risk, or a significant change to existing risk calculations;**

(a.ter) **An indication that the cumulative impacts of the Exploitation activities exceed any environmental objectives or thresholds as established under the applicable Regional Environmental Management Plan;**

(a.qrt) New information relevant to the effective protection of the marine environment.

(a.quint) a request by another international body concerning other activities and/or measures in the marine environment pursuant to regulation 31

- (b) Any Incident;
- (c) Recommendations for improvement in procedures or practices following an inspection report under regulation 100;
- (d) A performance assessment which requires action under regulation 52 (8);
- (e) Changes in ownership or financing which may adversely affect the financial capability of the Contractor;
- (f) Changes in Best Available Techniques;
- (g) Changes in Best Available Scientific Information Evidence; or
- (h) Operational management changes, including changes to subcontractors, the relevant organ of the Authority as appropriate shall Secretary-General may review with the Contractor the Contractor's activities under the Plan of Work, and such organ shall recommend to the Council discuss whether any modifications to the Plan of Work are necessary or desirable.

2. A review of activities shall be undertaken in accordance with the relevant regulations, Standards and Guidelines. The Secretary-General ~~or~~ and the Contractor ~~may~~ shall invite the sponsoring State or States, and relevant coastal states to participate in the review of activities perform by the appropriate organ.

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).

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).

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.

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 contract or the activities under the exploitation contract in cases other than those listed in paragraph 1 above.

6. The Secretary-General shall make publicly available the findings and recommendations resulting from a review of activities under this regulation.

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

We support the additions by the facilitator (in blue).

We argue that one additional aspect is included in para 1, with regard to potential “conflicts” with other legitimate uses of the oceans.

In Para 3 we support the Alt 1 version as provided by the facilitator.