

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PART I**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

- 1. Name(s) of Delegation(s) making the proposal:**
The Kingdom of the Netherlands

- 2. Please indicate the relevant provision to which the textual proposal refers.**
DR107

- 3. 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.**

Track changes in green is the original text. The track changes highlighted in yellow represent our suggestions.

Regulation 107 *[IWG IM]*

Review of these Regulations

1. Council shall take a full review of these Regulations. This review shall, at least, include:

(a) The manner in which the Regulations have operated in practice;

(b) The effectiveness and enforceability of the Regulations;

(c) The manner in which the Regulations have ensured compliance with the principles, approaches, and policies pursuant Regulation 2, and the general obligations relating to the marine environment pursuant Regulation 44.

Ibis. The first review shall take place five years following the approval of these Regulations by the Assembly, and no later than ten years after the adopted of these Regulations by the Council, shall undertake a full review of the manner in which the Regulations have operated in practice and

iter. After the review pursuant paragraph Ibis, the Council may also undertake such a review at any time thereafter, but shall do so at least every ten years.

2. ~~[If, in the light of improved knowledge, [technology] [technological advancement] [best available scientific information], implementation~~

~~experience, or identification of regulatory gaps, it becomes [apparent] [evident] that these Regulations are not adequate, a Any State party and any organ of the Authority, the Commission, the Enterprise, [any Contractor (through its Sponsoring State), or Stakeholder (through a State party)] may at any time request the Council to consider, at its next ordinary session, revisions to these Regulations and the matter shall be included in the provisional agenda of the Council for that session.~~

3. The Council shall establish a process of public consultation and participation that gives ~~Contractors and 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.

~~[5. Any amendments to these Regulations adopted by the Council and the Assembly, shall not be applied retroactively to the detriment of the Contractors that have already signed an Exploitation Contract with the Authority.]~~

5 Alt. The Council may incorporate an appropriate transition period for implementation by existing Contractors of any amendments to these Regulations.

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

This Draft Regulation is of particular importance because the deep sea mining industry is a fast changing industry. Transparent and clear rules for the review of these Regulations are necessary.

Therefore, we have made several suggestions regarding paragraphs 1, 1bis and 1ter. The suggestions in paragraph 1 are added to specify the minimum scope of the full review of the Regulations.

Paragraphs 1bis and 1ter aim to streamline the original text of the draft regulation. Furthermore, we have proposed an addition to ensure that a first full review of the Regulations will take place no later than ten years after the adoption of these Regulations by the Council. We have also added the obligation to review the Regulations at least every ten years. In our national legislation process, it is common practice to include a such an obligation.

With respect to paragraph 2, we question whether it would be desirable that any Contractor (through its Sponsoring State) or Stakeholder (through a State party) may at any time request the Council to consider revisions to these Regulations and that the matter shall be included in the provisional agenda of the Council. We propose to delete this part of paragraph 2. We have put brackets around our textual proposal and invite for views on this suggestion.

Furthermore, we would like to highlight that currently the Authority does not seem to have a process in place for public consultation and participation. This should be established to

ensure transparent and clear rules allowing adequate and broad public consultation and participation. Hence, our proposed textual suggestions on paragraph 3.

Lastly, we are of the view paragraph 5alt is a sensible solution to the situation where amendments are made to these Regulations. This is also common practice in our national legislation process.