

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

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 Pew Charitable Trusts

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

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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.

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.~~

~~2 alt. If a Contractor wishes to modify a Plan of Work, it shall notify the Secretary-General. The Secretary-General shall inform the Council [and the sponsoring State] and transfer the request to the Commission, to consider whether a proposed modification to the Plan of Work constitutes a Material Change in accordance with the applicable Standards. If the Commission 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, before such Material Change is implemented by the Contractor.~~

~~3. Where the proposed modification under paragraph 2 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.~~

~~[3 Alt. Where the proposed modification under paragraph 2 is determined to constitute a Material Change, the Council, based on the recommendations of the Commission, shall determine whether the Contractor is required to undertake an Environmental Impact Assessment and prepare an Environmental Impact Statement of the proposed modification in accordance with Regulations [47] and [48], respectively. The Environmental Impact Statement, and any revisions to the Environmental Management and Monitoring Plan or Closure Plan, shall be dealt with in accordance with the procedure set out in Regulation 11, prior to any consideration of the modification by the Commission.]~~

~~4. Notwithstanding paragraph 2, the Secretary-General may propose to and the Contractor may agree to a change to the Plan of Work that is not a Material Change in accordance with the applicable Standards, 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 and the Council at its their next meeting. The Council may decide to apply the procedure as provided in paragraph 2 in any event.~~

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

Council members during the 2024 sessions raised that the proposed alternative text for paragraph (2) was removed in the President's 'Consolidated Regulations' text, without explanation. We would also like to see these alt. paragraphs reinstated. We prefer paragraph (2)(alt.) because we consider the LTC the appropriate organ to assess the materiality or otherwise of changes to a Plan of Work. We prefer paragraph (3)(alt), for two reasons. Firstly it reflects that changes to parts of the Plan of Work other than the Environmental Plans (e.g. the Mining Workplan) may trigger the need for a new EIA (and possible consequent amendment to the Environmental Plans). Secondly, because we are confused how an EMMP based on a specific EIA and EIS could be amended without a new EIA and EIS? Paragraph (3)(alt) addresses both those issues.

For paragraph (4) we support the text, as amended