

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name(s) of Delegation(s) making the proposal:**

**SPAIN**

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

Regulation 52

Performance assessment of the Environmental management and Monitoring Plan

**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(c) The conformity of the plan with measures included in the applicable Regional Environmental Management Plan [including any revisions or updates to the Regional Environmental Management Plan that ~~might have been ay-be~~ adopted ~~from time to time~~,];

1 (g) ter Any finding of the Inspectors, especially those findings that indicate the noncompliance of the Contractors towards the submitted and approved Environmental Monitoring and Management Plan, as well as the recommendations on measures to be taken as shown in the inspection ~~report~~ result~~ed~~.

3. A Contractor shall hire a competent and ~~Independent Auditor~~ to [carry out the performance assessment required for the purpose of this Regulation and shall submit the findings in a] report to the Secretary-General in accordance with, and in the format set out in, the applicable Standards and taking into consideration Guidelines.

4. [The Contractor shall conduct a consultation regarding the Performance Assessment Report with all States and Stakeholders in accordance with Regulation 93bis.]. The Commission shall review the performance assessment report and any stakeholder comments received [within 60 Days of receipt of such report and comments]. The [Commission] shall, where necessary and appropriate, consult ~~external competent, independent experts~~ in its review of the performance assessment.

5. Where the Commission upon review of the report and any submission received in relation to it [under Regulation 93 bis], considers the performance assessment to be unsatisfactory or the report submitted to be inadequate, to the applicable Standards [and Guidelines], the Commission may require, after providing the Contractor with a reasonable opportunity to address any inadequacies, the Contractor to: (a) Submit any relevant supporting documentation or information requested by the Commission including a revised report; or (b) Appoint, at the cost of the Contractor, an ~~independent competent person~~ to conduct the whole or part of the performance assessment and to compile a report for submission to the Secretary-General and review by the Commission.

6. Where the Commission has reasonable grounds to believe that a performance assessment cannot be undertaken satisfactorily by a Contractor consistent with the applicable Standards, [the

Commission may,] at the cost of the Contractor, [procure] [competent](#), [[independent experts](#)] to conduct the performance assessment and to compile the report.

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

In paragraph 1 C) we think that the last sentence in which reference is made to taking into account the revisions or updates of the regional environmental management plans, should be expressed in a clearer way, since revisions of this might or might not occur. In addition to this we think that the expression "from time to time". It does not provide any concrete time, therefore we prefer to eliminate it and indicate "any revisions or updates to the Regional Environmental Management Plan that might have been adopted".

In paragraph 1 (g) ter, the last phrase referred to the recommendations on measures to be taken as shown in the inspection result, we also find it unclear, for this reason we propose to say, "the inspection report resulted".

Another comment, in this case related to the consistency of the text, relates to the way in which the consultation of independent experts is referred to throughout the Regulation. For example, paragraph 3 refers to "competent and independent auditor", paragraph 4 to "external competent independent expert", paragraph 5 b) to "independent competent person".

We believe that these terms should be reviewed to harmonized the terminology and avoid confusion.