

DR57 UK FoP Group

Review of Comments made during July 2025 Council 26 September 2025

State	Comment	UK response
Netherlands, Costa Rica	The LTC should be able to recommend and Council to decide that documents other than the EIA and Environmental Plans (EIS, EMMP, Closure Plan) require revision.	The UK agrees that a proposed modification of one part of a Plan of Work may require a consequential modification to any other part of the Plan of Work. The current drafting only gives the LTC the power to recommend, and the Council to require, a revision of the EMMP and Closure Plan, but no other part of the Plan of Work. It is therefore sensible to extend the LTC and Council's powers to cover any part of a Plan of Work. Accordingly, we propose revising paragraph 4 of Draft Regulation 57 to permit the LTC to recommend, and the Council to require, revision of the "Environmental Impact Assessment, Environmental Plans, and any other part of the Plan of Work".
Belgium	At Draft Regulation 57(5)(d) it would be helpful to clarify the options the Council has (currently the proposal states that "the Council shall decide how to proceed").	Agree. Paragraph 5(c) addresses a situation where the LTC recommends disapproval of a proposed modification it does not consider to be Material Change and the Council requests the LTC to reconsider its decision. As a result of its reconsideration, the LTC may maintain its recommendation to disapprove or revise its recommendation to approval (paragraph 5(d)). In either case, the appropriate options for the Council are to approve or disapprove the proposed modification. Accordingly, we propose amendment of paragraph 5(d) to clarify that the Council "shall approve or disapprove the modification".
Belgium, Norway	Belgium commented that the timelines in paragraph 6 could lead to a long period before a change could be	The UK agrees with both comments. We consider it inevitable that the ISA's working methods will include more intersessional work when it is actively regulating

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	<p>made – a shorter evaluation period by the Council might be preferable.</p> <p>Norway noted that the working modalities of the LTC will need to change to meet the deadlines set out in the draft regulation.</p>	<p>exploitation activities. Accordingly, we have retained the decision-making timelines throughout the Draft Regulation for the LTC as set out in the original text.</p> <p>It seems to the UK that the issue identified by Belgium applies equally to paragraphs 6 and 7. To address the issue – and for consistency in approach – we propose applying the same decision-making timelines to the Council in paragraphs 6 and 7. In accordance with our proposed amendment, sixty (60) days would be the standard decision-making period for the LTC and the Council under both paragraphs. We note 60 days is also used in paragraph 5, so the proposed amendment provides greater consistency across the Draft Regulation when considering proposed modifications that are not Material Changes and corrections to minor omissions, errors and other such defects.</p>
Chile, Portugal	<p>Any Material Change to a Plan of Work should require a new EIA. It should not be a decision for the Council whether a revised EIA is required.</p>	<p>We have not implemented this comment because we consider it entirely possible that a Material Change may have nothing to do with environmental impacts. For example, a proposed modification may concern a purely economic or financial aspect of a Plan of Work (changes in a <i>Financing Plan</i> relating to costings of labour or compliance with regulatory requirements; revision of capital expenditure, revenue, cash-flow forecasts and valuations; changes to a contractor's resources or financing mechanisms, including bank loans). Another example of a proposed Material Change that may not require a revised EIA is a change to the <i>Health and Safety Plan</i> which relates solely to health and safety of a Contractor's personnel onboard a vessel. In such a situation there would be no</p>

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		need for a revised EIA. This is rightly a decision for the Council, based on a recommendation of the LTC.
Germany, DSCC	Draft Regulation 57 should address the possibility that the LTC or Council initiates the process of modification.	Like other Draft Regulations, the process set out in Draft Regulation 57 is Contractor-led. The original text provided for Contractor proposals as well as for the Contractor and Secretary-General to agree minor corrections. The latest Revised Consolidated Text added the possibility of the LTC proposing minor corrections - this is reflected in paragraph 7 in the UK FoP proposal from July 2025. One option would be to extend paragraph 7 to cover proposals from the Council in addition to the LTC, but we would query the value in this. It seems unlikely that the Council would involve itself in this level of detail absent a recommendation from the LTC, its expert subsidiary body. Accordingly, the current paragraph 7 seems to us to be sufficient. The process for review of a Plan of Work (Draft Regulation 58) is the process by which the Council can identify if a Plan of Work requires modification. This may in turn may result in a Contractor proposed modification under Draft Regulation 57.
Germany	There should be public consultation on a proposed modification.	If a proposed modification is a Material Change and the Council decides a revised EIA / EIS is required, the process for conducting the assessment and preparing the statement would include Stakeholder Consultation, in accordance with the existing Draft Regulations. It would be inconsistent with the overall approach taken in the Draft Regulations for Stakeholder Consultation to be required for every proposed modification of a Plan of Work.

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Norway	Need to consider interface of Draft Regulation 57 and updates to EMMP and EIS.	The UK FoP proposal is intended to create a general modification process that is without prejudice to bespoke revision processes elsewhere in the Draft Regulations, e.g. see the process for revision of a Closure Plan. We would be happy to consider any particular concerns regarding the interface of this Draft Regulation and updates to an EMMP or EIS.
Norway	Paragraph 4(c): it would be useful to consider in greater depth the processes for preparing the EIA, EIS and Environmental Plans to work out how they would apply in the case of revisions under Draft Regulation 57.	The revised UK proposal is that any revised document (EIA, Environmental Plans, and any other part of a Plan of Work) shall be revised “applying the processes for their preparation set out in the Regulations <i>mutatis mutandis</i> ”. We do not think it would be appropriate to set out in Draft Regulation 57 the full process for revision of each part of a Plan of Work as this would overcomplicate the Draft Regulations. We would be happy to discuss any particular concerns with the <i>mutatis mutandis</i> approach proposed.
Interim DG of the Enterprise	The Draft Regulation must adequately reflect the position of the Enterprise if it proposes a modification that is a Material Change.	This point will be resolved through ongoing work on the definition of Contractor considering the role of the Enterprise. However, we do not see any reason why a different process for modification of a Plan of Work should apply when the Enterprise is the Contractor.
DSCC	Non-Council ISA member States and observers should be able to challenge LTC recommendations.	We have not implemented this change as it would be inconsistent with the role and function of the Council as provided for under UNCLOS and the Rules of Procedure of the Council (RoP). Objections may be made by non-Council ISA member States and observers during deliberations of the Council in accordance with Rules 74 and 75 of the RoP, consistent with usual Council practice.

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DSCC	There are no criteria on which the LTC is to make its recommendation as to whether or not a revised EIA is needed.	We have not implemented this change as we do not consider the Draft Regulations to be the appropriate place for detailed criteria.
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