

## **Intersessional working group on the Regional Environmental Management Plans**

Fourth meeting (9 October 2025)

### Agenda

1. Points to discuss
2. Presentation and discussion of the revised textual proposals
3. Planning
4. Other matters

#### 1. Points to discuss

- Non-discrimination of Contractors.

The facilitators introduced the discussion point, which was raised during the second and third meeting of the intersessional working group. From the facilitators' point of view, the possibility for different terms and conditions for different Contractors is not problematic in relation to the non-discrimination of Contractors. Each case is different, for example different location, different technology, different resource category, which can justify different terms and conditions. Draft Regulation 2 on 'principles, approaches and policies' also mentions non-discrimination to guide the application of the Regulations. The floor was opened for comments.

- Some delegations referred to the standard terms of the Exploitation Contract, which are the same for all Contractors. The difference between Contractors can, or should, be in the Plan of Work. These differences does not mean there is discrimination between Contractors.
- Reference was made to Draft Regulation 2 and 12, which specifically mentions non-discrimination.
- Some delegations expressed a wish to make add a placeholder for terms and conditions relating to the REMP in one of the Schedules, possibly Schedule 9. The reason is that the Draft Regulation on the terms and conditions is drafted broadly and perhaps not specific enough to the REMPs.
- Another delegation proposed the idea to integrate Draft Regulation 15bis into Draft Regulation 44bis, since Draft Regulation 44bis already specifically deals with REMPs.
- Only some elements/parts of the REMP are mandatory and not all.

The facilitators provided a recap on the discussions on this points so far. The working group seems to be in agreement that some parts of the REMP should always be applied to a specific case. Some parts of the REMP are also more easy to apply then other parts of the REMP.

One delegation mentioned that the REMP is a non-binding policy document, but remained open to the idea as formulated in the textual proposal. However, in terms of the legal nature of the REMP as a document, there was a preference to have a distinction between the Convention, the Agreement and the RRP.

Another delegation specifically referred to some parts of the REMP which always have to be applied by the ISA. Otherwise the REMP would lose all meaning.

- Does the Contractor have to change its activities when the REMP is changed?

The facilitators explained that this seems to be an overarching and cross-cutting issue not specific to the REMP. Draft Regulation 58 deals with situations which require a review of the Plan of Work. However, this Draft Regulation needs work and is still under consideration by Council. The facilitators

propose to flag this issue in the report for Council's consideration. The floor was opened for comments.

- Some delegations argued that the answer to this question also depends on the changes in the REMP. If these changes are very important, a review in the activities might be necessary. Specifically, if these changes relate to the specific terms and conditions in the Exploitation Contract.
- Several delegations agreed that if new significant information is available, changes to the activities of the Contractor would be required.
- Some delegations also referred to the need for stability in guiding the Contractors work. The REMP is reviewed at least every five years, but this might be done more often. The consequences of this should be considered.
- One delegation also mentioned the monitoring mechanism in helping to understand if the goals and objectives of the REMP are met.

There seemed to be overall agreement that this issue is cross-cutting and might be best dealt with in the existing Draft Regulations (e.g. 57 and 58). The group also considered that the issue needs further discussion, but this can be best done after there is agreement on the working of the REMP and the textual proposals.

## 2. Presentation and discussion of the revised textual proposals

Please see the revised textual proposal with the text boxes providing the rationale for the proposed amendments.

There was only limited time, so the discussion focussed mainly on Draft Regulation 12.

- Different views were expressed on whether to include the text 'relevant elements' in Draft Regulation 12, paragraph 3.
- One delegation mentioned a preference for 'may' instead of 'shall' in Draft Regulation 15bis.
- Several delegations mentioned the wish to submit comments in writing.

## 3. Planning

We would like to aim to submit a textual proposal for Council's consideration before the deadline of 1 December 2025. We will discuss during the meeting the feasibility of meeting this deadline and whether another meeting before is necessary.

- Deadline written comments: Monday 20 October
- The facilitators will circulate a revised draft around 22/23 October
- Fifth meeting will take place on Wednesday 29 October between 13.30-15.00 CET
- Deadline written comments on the revised draft: Friday 31 October

## 4. Other matters