

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PART 2**

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:

Friends of the President (United Kingdom)

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

Draft Regulation 57 (Modification of a Plan of Work)

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.

Note, the textual proposal below shows tracked changes from the original UK Proposal presented during the July 2025 ISA Council meeting. These changes reflect comments provided by delegations during and subsequent to the July Council meeting.

Definition

“**Material Change**” means a significant change that affects the basis on which an original report, document or plan, including a Plan of Work, was accepted or approved by the Authority, and may includes changes such as modifications to the way in which Exploitation activities are conducted; changes to assessments of harmful effects of activities on the Marine Environment, ~~other Environmental Effects~~ or effects on Stakeholders; the availability of new knowledge or technology; changes to a Contractor’s operational management; and changes ~~that are to be considered in light of~~ any applicable Standards and Guidelines.

Regulation

Regulation 57

Modification of a Plan of Work

1. A Contractor shall not modify the Plan of Work ~~annexed-scheduled~~ to an Exploitation Contract except in accordance with this Regulation or as otherwise provided for by applicable Regulations.
2. A Contractor shall notify the Secretary-General of any proposed modification to a Plan of Work. The Secretary-General shall inform the Council and transmit the notification to the Commission within 7 Days of receipt.

3. The Commission shall determine whether the proposed modification constitutes a Material Change in accordance with any applicable Standards and applying the procedure in Regulation 12 *mutatis mutandis*.

4. If the Commission determines in accordance with paragraph 3 of this Regulation that the proposed modification constitutes a Material Change:

- (a) it shall report its determination to the Council and recommend whether the Contractor should be required to ~~revise the~~ undertake an Environmental Impact Assessment ~~revise~~ and revise the Environmental Plans, and / or any other part of the Plan of Work;
- (b) the Council, based on the recommendations of the Commission, shall decide whether the Contractor is required to ~~revise the~~ undertake an Environmental Impact Assessment and revise the Environmental Plans, and / or any other part of the Plan of Work;
- (c) if the Council decides in accordance with paragraph 4(b) that the Contractor is required to ~~revise the~~ undertake an Environmental Impact Assessment and revise the Environmental Plans, and / or any other part of the Plan of Work, the Contractor shall do so applying the processes for their preparation set out in Part IV (Protection and Preservation of the Marine Environment), Sections 2 (The Environmental Impact Assessment Process) and 3 (Environmental Monitoring), and Part VI (Closure Plans) of these Regulations *mutatis mutandis* and shall submit revised documents to the Commission. The Commission shall report to the Council on the revised documents and shall recommend either approval or disapproval of the proposed modification. The Council shall consider the proposed modification and the report of the Commission, and shall approve or disapprove the proposed modification applying the Council procedure for consideration and approval of a Plan of Work in Regulation 16 *mutatis mutandis*;
- (d) if the Council decides in accordance with paragraph 4(b) that the Contractor is not required to ~~revise the~~ undertake an Environmental Impact Assessment and revise the Environmental Plans, or any other part of the Plan of Work, the Secretary-General and the Contractor shall immediately undertake a consultation on the proposed modification applying the process set out in Regulation 93bis, following which the Council shall consider the proposed modification taking into account the results of the consultation and the report of the Commission, and shall approve or disapprove the proposed modification applying the Council procedure for consideration and approval of a Plan of Work in Regulation 16 *mutatis mutandis*.

5. If the Commission determines in accordance with paragraph 3 of this Regulation that the proposed modification does not constitute a Material Change, it shall recommend approval or disapproval of the proposed modification and shall report its decision-recommendation to the Council, following which:

- (a) if ~~no member State of~~ the Council does not notifies the Secretary-General that it disagrees with the Commission's decision-recommendation within 60 Days of the date the decision-recommendation is notified to the Council, the decision

recommendation shall take effect as if it were a decision of the Council 60 Days after such notification;

(b) if, within 60 Days of the date a decision-recommendation by the Commission to recommend-approve or disapprove of the proposed modification is notified to the Council, a member State of the Council notifies the Secretary-General that ~~it disagrees with the decision~~ the proposed modification should be assessed as a Material Change, the procedure in paragraph 4(b) – (d) of this Regulation shall apply immediately;

(c) if, within 60 Days of the date a decision-recommendation by the Commission to recommend-approve or disapprove of the proposed modification is notified to the Council, a member State of the Council notifies the Secretary-General that it disagrees with the decision-recommendation, the Council shall decide whether to request the Commission to reconsider its decision-recommendation, and if making such a request, shall provide the Commission with the Council's reasons for doing so;

(d) the Commission shall notify the Council of its decision-reconsidered recommendation in response to any request under paragraph 5(c) within 60 Days of the request, following which the Council shall decide how to proceed within 60 Days whether to approve or disapprove the proposed modification:-

(d)(e) if the Council does not take a decision in accordance with paragraph 5(d), the Commission's reconsidered recommendation shall take effect as if it were a decision of the Council from the end of the period referred to in paragraph 5(d).

6. Notwithstanding paragraph 2, the Secretary-General and the Contractor may agree to changes to the Plan of Work to correct minor omissions, errors or other such defects, including upon the recommendation of the Commission, as follows:

(a) the Secretary-General shall notify any such agreement to the Commission and the Council within 7 Days;

(b) the Commission shall consider the agreement and, no later than 60 Days following notification by the Secretary-General, recommend to the Council whether the agreed changes should be assessed as a proposed modification pursuant to paragraphs 3 to 5 of this Regulation;

(c) the Council shall consider the recommendations of the Commission at its next meeting provided that the Commission's recommendations have been notified to the Council at least 60 Days prior to the commencement of the Council's meeting within 60 Days of notification;

(d) any agreed changes shall take effect from the date of the Secretary-General and Contractor's agreement end of the period referred to in paragraph 6(c), unless the Council decides before the end of the period that they are to be assessed as a proposed modification pursuant to paragraphs 3 to 5 of this Regulation.

~~7. The Commission may make changes to the Plan of Work to correct minor omissions, errors or other such defects, as follows:~~

- ~~(a) the Commission shall notify the Secretary General of any changes it proposes to a Plan of Work to correct minor omissions, errors or other such defects;~~
- ~~(b) the Secretary General shall transmit the proposal to the Contractor within 7 Days of notification;~~
- ~~(c) the Contractor shall respond to the Secretary General within 60 Days of receipt with its views on the proposed changes;~~
- ~~(d) the Secretary General shall transmit the Contractor's response to the Commission within 7 Days of receipt;~~
- ~~(e) the Commission shall consider the Contractor's response and shall notify the Secretary General within 60 Days of receipt of its decision regarding the proposed changes;~~
- ~~(f) the Secretary General shall transmit the Commission's decision to the Contractor and the Council within 7 Days of notification;~~
- ~~(g) the Council shall consider the Commission's decision at its next meeting provided it has been notified to the Council at least 60 Days prior to the commencement of the Council's meeting;~~
- ~~(h) any changes shall take effect from the date the Commission notifies the Contractor and the Council pursuant to sub-paragraph (f) unless the Council decides they are to be assessed as a proposed modification pursuant to paragraphs 3 to 5 of this Regulation.~~

8. All modifications and changes to a Plan of Work pursuant to this Regulation shall be recorded in the Seabed Mining Register by the Secretary-General as soon as reasonably practicable following approval or agreement in accordance with this Regulation.

4. Please indicate the rationale for the proposal.

Timings generally: As with the UK's original proposal, this revised proposal assumes changes to the ISA's working modalities when regulating exploitation activities. New modalities may include the use of virtual meetings and written procedures. This is a cross-cutting issue to be considered on that basis.

"Plan of Work" and "Exploitation Contract": Article 153(3) UNCLOS provides that a "plan of work shall [...] be in the form of a contract." It is therefore clear that a Plan of Work forms part of an Exploitation Contract. This Draft Regulation addresses modification of a Plan of Work (i.e. the plans and documents scheduled to an Exploitation Contract, as listed in Annex IX). Modification of other parts of the Exploitation Contract (i.e. the template at Annex IX and the Standard Terms and Conditions (STC) at Annex X) is addressed in Section 16 of the STC.

“Material Change”: The key amendment to the definition is the deletion of “includes” and insertion of “may include”. This is to clarify that the subsequent list is not prescriptive, and a case-by-case assessment is necessary. Other amendments have been made to provide clarity. While Guidelines are non-binding, a change to Guidelines may be a significant change that affects the basis on which a report, document or plan was approved, and so this wording is retained.

Paragraph 4 (Process for Material Change): This paragraph is amended to provide the Commission with the ability to recommend – and the Council the ability to decide – that any part of a Plan of Work should be revised in light of a proposed modification.

Regarding Environmental Impact Assessment (EIA), the word “revise” has been replaced with “undertake” to acknowledge that the EIA is a process that results in an Environmental Impact Statement (EIS); once an EIS has been approved, the EIA that informed it cannot be amended.

The formulation “Environmental Impact Assessment and the Environmental Plans, and / or any other part of the Plan of Work” is used to make clear that the Environmental Plans (which comprise the EIS, the Environmental Management and Monitoring Plan and the Closure Plan) are a package and if there is a recommendation / decision to revise them, they must all be revised. The possible scenarios are:-

- 1) Commission recommendation / Council decision to undertake an EIA and revise the Environmental Plans;
- 2) Commission recommendation / Council decision to undertake an EIA, and revise the Environmental Plans, and an/other part/s of the Plan of Work;
- 3) Commission recommendation / Council decision not to undertake an EIA or revise anything; and
- 4) Commission recommendation / Council decision to revise part/s of the Plan of Work (other than the Environmental Management and Monitoring Plan and the Closure Plan).

In scenario 3, a new step – stakeholder consultation – has been included. This step has been added to be consistent with the process for consideration of an application for a Plan of Work, which requires consultation on the proposed Plan of Work as a whole (Draft Regulation 12(4)). It is appropriate to undertake stakeholder consultation for any proposed Material Change to a Plan of Work, including those that do not require a revised EIA and Environmental Plans.

Paragraph 5 (Process for non-Material Change): This paragraph is amended to distinguish between situations where (i) the Council disagrees with the Commission and decides that the proposed modification should be assessed as a proposed Material Change and (ii) where the Council agrees the proposed modification is a non-Material Change but disagrees with the Commission’s recommendation. The table below describes the possible scenarios.

In addition, the Draft Regulation has been amended to the effect that the Council – rather than any Council member – has the ability to disagree with the Commission’s

recommendations (whether on the basis of (i) and (ii) above). This is consistent with other Council decisions under this Draft Regulation. Finally, a new paragraph (e) has been inserted to clarify that in the event the Council does not take a decision, the Commission's revised recommendation shall take effect as if it were a Council decision at the end of the Council's 60 Days consideration period.

LTC recommendation	Council decision	Relevant provision of para 5
Approval	Agrees with LTC (Approval)	(a) Council takes no action. Decision takes effect 60 Days after LTC recommendation.
Approval	Should be assessed as a proposed Material Change	(b) Council takes decision within 60 Days to consider proposed modification as a Material Change pursuant to para 4.
Approval	Disagrees with LTC (Disapproval)	(c)-(e) Council requests LTC reconsider its recommendation. Council then takes a decision on revised recommendation within 60 Days, failing which the LTC's revised recommendation takes effect.
Disapproval	Agrees with LTC (Disapproval)	(a) Council takes no action. Decision takes effect 60 Days after LTC recommendation.
Disapproval	Should be assessed as a proposed Material Change	(b) Council takes decision within 60 Days to consider proposed modification as a Material Change pursuant to para 4.
Disapproval	Disagrees with LTC (Approval)	(c)-(e) Council requests LTC reconsider its recommendation. Council then takes a decision on revised

		recommendation within 60 Days, failing which the LTC's revised recommendation takes effect.
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Paragraphs 6 and 7 (Corrections): Paragraph 6 is amended to clarify that corrections shall enter into force at the end of the Council's 60 Days consideration period. This ensures legal certainty whereas the original drafting created uncertainty as to the status of corrections during the 60 Day consideration period.

Paragraph 6 is further amended to provide the Commission with the power to recommend the Secretary-General and Contractor agree corrections. This simplifies the Regulation by deleting paragraph 7, while achieving the same objective. It also ensures consistency with the UNCLOS requirement that a contract may only be revised with the consent of its parties (Article 19, Annex III).