

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31st 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.

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

The facilitator of the intersessional working group on Regional Environmental Management Plans (the Kingdom of the Netherlands).

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

- Regulation 12 “Rules for considering applications”
- Regulation 14 “Amendments to the proposed Plan of Work”
- Regulation 15 “Commission’s recommendation for the approval or disapproval of a Plan of Work”
- Annex IX “The Schedules to the Exploitation Contract”
- Schedule

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.

The text in track changes is the original text from the consolidated text. The proposed textual changes are in **red**.

Regulation 12

Rules for considering applications

3. The Commission shall, in considering a proposed Plan of Work, apply the Convention, the Agreement, and the rules, regulations and procedures of the Authority, **and assess if the Plan of Work is consistent with the applicable Regional Environmental Management Plan. The Commission shall do so** in a uniform and non-discriminatory manner, and may not recommend approval of a Plan of Work that does not comply with these requirements.

4. In considering the proposed Plan of Work, the Commission shall take into account:

~~(d) any objectives or measures established in the relevant Regional Environmental Management Plan.~~

Regulation 14

Amendments to the proposed Plan of Work

1. At any[] time prior to making its recommendation to the Council and as part of its consideration of an application under Regulation 12, the Commission may:

(a) Request the applicant to provide additional information on any aspect of the application prior to making a recommendation; and

(b) Request the applicant to amend its Plan of Work, or propose specific amendments for consideration by the applicant where such amendments are considered necessary to bring the Plan of Work into conformity with the requirements of these Regulations.

(1 bis) The Commission shall make a request pursuant to paragraph 1 (b) where amendments to the proposed Plan of Work are necessary to ensure that the applicable Regional Environmental Management Plan is appropriately reflected and incorporated in the Plan of Work.

2. Where the Commission makes a request under paragraph 1, and 1 bis, the Commission shall provide to the applicant a brief justification and rationale for such a request. The applicant must respond [] [90 Days after the receipt of the request,] by agreeing to the request, rejecting the request, or making an alternative proposal for the Commission's consideration.

3. The timeframe referred to in Regulation 12 (2) shall be extended by the timeframe determined by the Commission pursuant to paragraph 1.

Regulation 15

Commission's recommendation for the approval or disapproval of a Plan of Work

1. If the Commission determines that the application and the applicant meet the criteria set out in Regulation 13, it shall recommend approval of the Plan of Work to the Council.

[1. Alt. The Commission may recommend approval of a proposed Plan of Work if the Plan of Work complies with all requirements stipulated in Regulation 13, and the Commission has sufficient information to determine that all requirements in Regulation 13 have been met.]

1. bis. The Commission shall provide with any recommendation for approval made under paragraph 1:

(a) a report in accordance with Regulation 11(5);

(b) a summary of the deliberations of the Commission including what inputs have been taken into account and how these have been assessed, as well as divergences of opinion in the Commission, if any;

(c) bis a summary of any uncertainties inherent in the Plan of Work and how the applicant has proposed to address these;

(d) any conditions the Commission considers appropriate to deal with adverse effects of the proposed activities; and

(e) a summary of the request and its implementation referred to in Regulation 14(1 and 1bis), if applicable.

Annex IX

The Schedules to the Exploitation Contract

Schedule 9

Conditions, amendments and modifications agreed between the Commission and the Contractor, and approved by the Council, during the application approval process.

Section 1. Amendments relating to the Regional Environmental Management Plan

Schedule

Use of terms and scope

“**Regional Environmental Management Plan**” means a proactive spatial management strategy that anticipates exploitation and that includes the designation of Areas of Particular Environmental Interest.

Where the regulations refer to the “applicable Regional Environmental Management Plan”, this shall be understood to mean the Regional Environmental Management Plan adopted by the Council for the particular area and type of resource concerned.

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

Please see the report of the intersessional working group on Regional Environmental Management Plans for a short recap of the work of the group.

Regulation 12

The proposed textual changes to Regulation 12, paragraph 3, reflect the obligation that falls on the Commission to assess if the Plan of Work is consistent with the applicable Regional Environmental Management Plan.

Paragraph 4(d) is proposed to be deleted as to avoid overlap and confusion with the new text in paragraph 3.

Regulation 14

The new paragraph 1bis gives the Commission the power to request the Contractor to change its proposed Plan of Work if this is necessary to ensure that the Regional Environmental Management Plan is appropriately reflected and incorporated in the Plan of Work.

The addition to paragraph 2 ensures that the Commission shall provide the applicant a brief justification and rationale for a request to change its Plan of Work to ensure that the Regional Environmental Management Plan is appropriately reflected and incorporated in the Plan of Work.

Regulation 15

For transparency reasons, it would be desirable for the Commission to inform the Council of any changes made by the Contractor to its proposed Plan of Work if requested by the

Commission on the basis of Regulation 14(1 and 1bis). Therefore, the Commission should provide a summary of the request and its implementation if such a request is made.

Annex IX

For transparency reasons, amendments in accordance with DR14(1 and 1bis) could be spelled out in this Schedule. The title of Schedule 9 already seems to indicate this possibility. Therefore, a placeholder is added to Schedule 9.

Schedule

For the avoidance of doubt, a definition of “applicable Regional Environmental Management Plan” is provided in the Schedule. This definition is borrowed from the language in DR44bis.

Please note that the group did not discuss the definition of “Regional Environmental Management Plan” as is currently provided for in the Schedule. Therefore, this addition cannot be seen as support for the current definition of “Regional Environmental Management Plan”.