NOTE BY THE KINGDOM OF THE NETHERLANDS ON PREPARATIONS FOR CERTAIN COUNCIL DISCUSSIONS ON 9 AND 10 MARCH 2026

On 9 March 2026 and 10 March 2026, the Council will negotiate *inter alia* about the outcomes of:

(a) the Friends of the President initiative on Prevention of Corruption (DR 40);

(b) the Friends of the President initiative Non-compliance Notice, Suspension and Termination of the Contract (DR 103); and

(c) the Informal Working Group's work regarding Legal status of REMPs (DRs 7, 12, 14 and 15).[1]

The Kingdom of the Netherlands (KNL) has led these three initiatives. This document is drafted to inform delegations' preparations for the discussions on these topics.

Prevention of Corruption (Friends of the President). Key issue 27. Draft regulation 40 – 1 hour on 9 March 2026.

After several rounds of comments, a comprehensive proposal was submitted and is now reflected in DR 40 of the revised consolidated text. The proposal was accompanied by a report[2], in which it was *inter alia* set out that delegations should consider a wider policy for the Authority for matters outside the refined scope of DR 40.

There seems to be a significant level of a shared understanding on the current text. Some delegations did maintain study reservations. KNL will ask whether such reservations could be lifted. While at the same time welcoming all comments, KNL intends to suggest that this topic no longer be treated as a key outstanding issue by the Council if no objections are voiced by delegations.

Non-compliance Notice, Suspension and Termination of the Contract (Friends of the President). Key issue 21. Draft regulation 103 – 1 hour on 9 March 2026.

The textual proposal by the FOP group was accompanied by a statement that further intersessional work should continue. In that light, in addition to welcoming general comments on the draft, KNL intends to specifically ask Council the following questions for the discussions on 9 March 2026:

1. Are there any general comments on the revised text? KNL encourages delegations to share line by line comments, if any, with it bilaterally.
2. What are elements that are currently missing in this Draft Regulation?
3. Do delegations agree with continuing the FOP's work intersessionally?
4. Do delegations agree with including DR 104 and DR 105 in the scope of the FOP?

[1] IPW-31st-1st-v20260217.pdf

[2] https://isa.org.jm/wp-content/uploads/2025/11/2025.11.25-FOP-DR-40-Report.pdf

Legal status of REMPs (Informal Working Group). Key issue 5. Draft regulations 7, 12, 14 and 15 – 1 hour on 10 March 2026.

The group has met on several occasions, leading to the proposal in the current revised consolidated text. The proposal was also accompanied by a report[3], describing the outcomes of the discussion, the textual proposals and further overarching issues.

The facilitators consider there is a significant level of a shared understanding about the proposal to include a binding obligation on the Commission to use the Regional Environmental Management Plan in its decision-making on the proposed Plan of Work. In the situation where the Commission finds that the Plan of Work is not consistent with the applicable Regional Environmental Management Plan, the Commission shall request the Contractor to amend its Plan of Work to ensure that the applicable Regional Environmental Management Plan is appropriately reflected and incorporated in the Plan of Work. As a consequence, (parts of) the Regional Environmental Management Plan will only be made binding for the Contractor through its Plan of Work.

KNL invites delegations to reflect on the proposal and encourages delegations to share line by line comments bilaterally. If no objections are voiced by delegations, KNL suggests it commences a legal scrub of the revised consolidated text to reflect this understanding. This legal scrub will be shared with the intersessional working group before submission to the Secretariat. After the legal scrub, KNL encourages Council to no longer treat this topic as a key outstanding issue.

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[3] https://isa.org.jm/wp-content/uploads/2025/11/Report-of-the-intersessional-working-group-on-the-Regional-Environmental-Management-Plans-1.pdf