

DR 57 UK FoP Group**Review of Comments made during March 2026 Council Meeting****16 April 2026**

Country	Comment	UK's response
Ireland	Delete "by a Contractor" in the title of the Draft Regulation.	The UK agrees with this proposal. The inclusion of the words "by a Contractor" appears to be the result of an oversight in the preparation of the latest Revised Consolidated Text as the FoP Group proposed deleting these words in its November 2025 textual proposal. We will include this deletion in the next textual proposal.
Russia	<p>The definition of Material Change requires further consideration, in particular there is a need to develop additional criteria. Such criteria may need to be defined in another document in the future.</p> <p>The existence of the following situations should not automatically be determinative of a Material Change:</p> <ul style="list-style-type: none"> - new knowledge or technology; and - any change to Standards and Guidelines. 	<p>The UK acknowledges that a future Standard may further develop the concept of a Material Change. We therefore propose adding the words "as may be further defined in a Standard" to the definition of Material Change as a corollary to the existing reference to "applicable Standards" in Draft Regulation 57(3).</p> <p>The UK agrees that new knowledge or technology or changes to Standards and Guidelines are not automatically determinative of a Material Change. The words "may include changes such as" before the short illustrative, non-exhaustive and non-definitive list in the definition clarifies that the existence of such a situation does not automatically indicate that a proposed modification would be a Material Change.</p>
Norway	Paragraph 4(a) should refer to a revised Environmental Impact Assessment (EIA) rather than a new EIA, as it may not need many changes.	The UK deleted "revise" from the previous textual proposal to acknowledge that 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 revised. Therefore, if a

		<p>revised EIS is required a new EIA is required. The UK agrees that this assessment may be informed by the earlier EIA but considers it important to be clear that a new assessment is required in respect of the proposed modification.</p>
Norway	<p>Query whether it is excessive to go through full Stakeholder consultation at paragraph 4(d).</p>	<p>The UK agrees that a proportionate approach should be adopted to Stakeholder consultation for proposed modifications to a Plan of Work.</p> <p>The UK considers a proportionate approach may be to require Stakeholder consultation for any proposed modification which constitutes a Material Change (i.e. a proposed modification under paragraph 4) but not to require it for any non-Material Change (i.e. a proposed modification under paragraph 5). This solution could be achieved by cross-referring to Draft Regulation 11 in paragraph 4 (and not cross-referring to it in paragraph 5).</p> <p>We note debate is ongoing regarding the requirements for Applicant and Authority Stakeholder consultation on an application for a Plan of Work. We consider it necessary for this outstanding issue to be settled before finalising the requirements for Stakeholder consultation in respect of a proposed modification and reflecting this in Draft Regulation 57.</p>
Germany, Switzerland	<p>At paragraph 4(d), the nature of the Stakeholder consultation is unclear: appears to conflate consultations undertaken by the Authority and the Contractor. Would prefer in</p>	<p>We agree that cross referring to Draft Regulation 11 clarifies the Stakeholder consultation process to be used when considering proposed modifications under paragraph 4. We note that</p>

	<p>paragraphs 4(c) and (d) Authority consultation with reference to Draft Regulation 11.</p>	<p>paragraph 2 of Draft Regulation 11 requires consultation by the Applicant / Contractor, and paragraph 3 requires consultation by the Commission.</p>
<p>Chile, Pew</p>	<p>Draft Regulation 57 must include cross references to specific Regulations where appropriate to provide greater clarity and legal certainty. For example, cross-references in paragraph 4(c) should be comprehensive (referring to the processes set out in the Regulation generally is insufficient), and the Commission's recommendations should refer to the process set out in Draft Regulation 15.</p>	<p>The UK considers the current drafting to be sufficiently clear but is open to considering more detailed cross-references in paragraphs 4(c) and (d). However, we consider it cumbersome to include comprehensive cross-references to the process for preparation of each part of a Plan of Work which may be subject to modification. In support of this position we note technical legal drafting comments received during the March Council session which aimed to simplify and streamline the drafting of the regulation.</p> <p>The UK has proposed compromise language in square brackets, which essentially reverts to the previous textual proposal of the Group and cross-refers to the regulations for preparation of the EIA and Environmental Plans. We have left these in square brackets for the FoP Group to consider.</p> <p>We agree with the inclusion of cross-references to Draft Regulation 15 in respect of Commission recommendations and have proposed wording in paragraphs 4, 5 and paragraph 7 to address this point.</p> <p>For the avoidance of doubt, the UK interprets the reference in paragraph 5, and as appropriate in paragraph 7, of Draft Regulation 57 to Draft</p>

		Regulation 15 applying <i>mutatis mutandis</i> , coupled with the absence of a reference in paragraphs 5 and 6 to Draft Regulation 11 (cf. paragraph 4), as excluding (i) the requirement for Stakeholder consultation and (ii) the Commission's report to be made in accordance with Draft Regulation 11(5) (as referred to in Draft Regulation 15(1.bis)(a)).
Germany, Switzerland, Pew	Support for publication of LTC recommendations generally, and in particular. For example, at paragraph 5, Germany and Switzerland support the Council "silence" procedure, but propose an additional safeguard, specifically that the LTC's recommendation / reconsidered recommendation is published. This would strengthen confidence in the decision-making process.	<p>The UK agrees that the Commission's recommendations should be published. This would be consistent with the approach regarding Commission recommendations for approval / extension of plans for work for exploration.</p> <p>The cross-reference to Draft Regulation 15(1bis) in paragraph 7 ensures publication of all Commission reports and recommendations under this Regulation.</p> <p>For further clarity, the UK would also propose amending Draft Regulation 92(1bis)(j) to clarify that recommendations and reports of the Commission are to be included on the Seabed Mining Register. We have left the second part of subparagraph (j) in square brackets so as not to prejudge any future work by the FoP Group on Draft Regulation 58.</p>
Sierra Leone on behalf of the African Group	Several technical drafting proposals to streamline and simplify the text of the DR.	The UK thanks Sierra Leone for its thorough comments which aim to streamline and simplify the text of this Draft Regulation. We have reflected them, as appropriate, in the revised textual proposal.

		<p>We have not accepted the proposed deletion at the end of paragraph 5(c). We consider it appropriate that the Council provides reasons for requiring the Commission to reconsider its recommendations. We judge that without reasons the Commission may struggle to understand the concerns the Council is seeking to have addressed through reconsideration.</p>
China	<p>Minor changes should be subject to a fast-track process. For example, a 30-Day silence period with no involvement of the Commission.</p>	<p>The UK agrees that minor omissions, errors or other such defects should be subject to a fast-track process compared to other proposed modifications, including proposed Material Changes.</p> <p>The UK considers it important to reflect the respective roles of the Commission and Council in paragraph 6. As the expert subsidiary body of the Council, the Commission is best placed to consider proposed modifications (including minor changes) and make recommendations to the Council. It seems to us unlikely the Council would involve itself in this level of detail absent a recommendation from the Commission. We also consider it appropriate to retain the Council's ability to act, consistent with its role and function under UNCLOS.</p>