

30 April 15 May 2026

United Kingdom of Great Britain and Northern Ireland**ISA Council 2026 (31st Session) Part I: Friends of the President Proposal****Draft Regulation 57 (Modification of a Plan of Work)****Definition**

[Alt. 3 “**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, ~~as may be further defined in a Standard~~, and ~~which~~ may include 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, or effects on Stakeholders; the availability of new knowledge or technology; changes to a Contractor’s operational management; and changes to any applicable Standards and Guidelines.]

Regulation**Regulation 57****Modification of a Plan of Work ~~by a Contractor~~**

1. A Contractor shall not modify the Plan of Work 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 undertake an Environmental Impact Assessment 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 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~~, subparagraph (b) that the Contractor is required to undertake an Environmental Impact Assessment and revise the Environmental Plans, and / or any other part of the Plan of Work, the Contractor

Commented [FJ1]: Deleted following FoP Group meeting on 30/4. Justification: unnecessary considering reference to a Standard in the definition of Material Change.

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shall do so applying the processes for their preparation set out in the 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 applying the process set out in regulations 11, 12, 13 and 15 *mutatis mutandis*. 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*; and

(d) if the Council decides in accordance with ~~paragraph 4~~, subparagraph (b) that the Contractor is not required to 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 11 shall commence immediately ~~93ter~~, following which the Council shall consider the proposed modification taking into account the results of ~~the~~ consultation and the report and recommendation of the Commission prepared applying the process set out in regulations 11, 12, 13 and 15 *mutatis mutandis*, 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 recommendation to the Council applying the process set out in regulations 12, 13 and 15 *mutatis mutandis*, following which:

(a) if the Council does not notify the Secretary-General that it disagrees with the Commission's recommendation within 60 Days of the date the recommendation is notified to the Council, the 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 recommendation by the Commission ~~to approve or disapproved the proposed modification~~ is notified to the Council, the Council notifies the Secretary-General that the proposed modification should be assessed as a Material Change, the procedure in paragraph 4, subparagraphs (b) – (d) ~~of this regulation~~ shall apply immediately;

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

Commented [FJ2]: As agreed by the Group on 30/4, we have deleted the wording:

"[For the avoidance of doubt, an Environmental Impact Assessment and revised Environmental Impact Statement shall be prepared in accordance with regulations 46 to 48 and Annex IV, a revised Environmental Management and Monitoring Plan shall be prepared in accordance with regulation 50 and Annex VII, and a revised Closure Plan shall be prepared in accordance with regulation 59 and Annex VIII.] "

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Commented [FJ3]: We have left this as it is following discussion around whether to expressly refer to the Secretary-General or not. We understand the Group are comfortable with this approach at this stage, while the issue of Stakeholder Consultation remains outstanding. However, it would be clearer to identify in this regulation the body/bodies required to undertake consultation and the regulation may require updating once the overarching issue is resolved.

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(d) the Commission shall notify the Council of ~~its a~~ reconsidered recommendation ~~in response to any requested pursuant to under paragraph 5,~~ subparagraph (c) within 60 Days of the request, following which the Council shall decide within 60 Days whether to approve or disapprove the proposed modification; and

(e) if the Council does not take a decision in accordance with ~~paragraph 5,~~ subparagraph (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, subparagraph (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 agreed changes~~ 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 within 60 Days of notification; and~~

~~(d) any agreed changes shall take effect 60 Days after the notification from the end of the period referred to in paragraph 6,~~ subparagraph (ae), unless the Council decides before the end of that period that they are to be assessed as a proposed modification pursuant to paragraphs 3 to 5 of this regulation.

7. Any recommendations and reports of the Commission under this Regulation shall be in the form set out in Regulation 15(1bis) mutatis mutandis. 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.

Consequential amendments

Regulation 92

Seabed Mining Register

(1bis)(j) the Commission's recommendations and reports and the Council's decisions regarding any proposed modification of a Plan of Work pursuant to regulation 57, [and the findings and recommendations resulting from any review of a Plan of Work pursuant to regulation 58];

Commented [FJ4]: Amendments proposed by UK to accommodate the following proposal for para 6 received from China on 10 May:

"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."

The proposed drafting is a compromise that:
1)Significantly simplifies the current text by deleting sub-paragraphs (b) and (c),
2)Clarifies that SG/Contractor agreed changes take effect 60 Days after notification
3)Gives the Council the ultimate authority to determine that agreed changes should be processed as modifications pursuant to paras 3-5. This follows the approach taken in para 5.

Would FoP Group members be amenable to this compromise proposal? We proposed this drafting to China on 11 May and await a response.

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