

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31st SESSION: COUNCIL - PART II

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 7 “Form of applications and information to accompany a Plan of Work”
- Regulation 8 “Area covered by an application”
- Regulation 13 “Assessment of Applicants and application”
- Regulation 15 “Commission’s recommendation for the approval or disapproval of a Plan of Work”
- Regulation 18bis “Obligations of the Contractors”
- Regulation 20 “Term and extension of Exploitation Contracts”
- Regulation 38 “Annual report”
- Regulation 44 “General obligations”
- Regulation 46 “[The] Impact Assessment [Process]”
- Regulation 48 “Environmental Impact Statement”
- Regulation 50 “Environmental Management and Monitoring Plan”
- Regulation 50ter “Environmental Management System”
- Regulation 52 “Performance assessments of the Environmental Management and Monitoring Plan”
- Regulation 53 “Pollution control”
- Regulation 59 “Closure Plan”
- Regulation 60bis “Unexpected and Temporary Suspensions of production”
- Annex IV “Environmental Impact Statement”
- Annex VII “Environmental Management and Monitoring Plan”
- Annex VII “Closure”

- 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 proposed textual changes are in blue.

Draft Regulation	Text as from the clean consolidated text	Comment
7(1) Form of applications and information to accompany a Plan of Work	1. Each application for approval of a Plan of Work shall be: (a) in the form prescribed in Annex I to these Regulations; (b) addressed to the Secretary-General; and (c) prepared in accordance with these Regulations and the applicable Standards, [Alt. 1 as well as consistent with the respective applicable Regional Environmental Management Plans] and taking into account the Guidelines- [Alt. 2 as well as the respective Regional Environmental Management Plans] .	To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.
8(4) Area covered by an application	4. The area under application must be covered by a Regional Environmental Management Plan pursuant to regulation 44bis [, where applicable] .	DR44bis articulates a clear obligation without the possibility to deviate from this.
13(4)(c) Assessment of Applicants and application	4. In considering the technical capability of an Applicant, the Commission shall determine, in accordance with Standards and taking into account the Guidelines, whether the Applicant has [sufficiently demonstrated that] it has [or will have]: (c) the technology, data, information, and procedures necessary to comply with the terms of the Environmental Management and Monitoring Plan and the Closure Plan, taking into account the applicable Regional Environmental Management Plan , including the technical capability to identify and monitor key environmental parameters and ecosystem components so as to detect any adverse effects, and to modify management and operating procedures as required to [ensure the effective Protection of the Marine Environment];	This paragraph focuses on an assessment of the applicant instead of the application/Plan of Work. The obligation for the Commission to ensure that the Plan of Work is consistent with the REMP is contained in DR12(3). Therefore, the reference to the REMP can be deleted here.

<p>13(6)(b) Assessment of Applicants and application</p>	<p>The Commission shall determine whether the application meets the following criteria: (b) the application is in conformity with these Regulations, [Alt. 1 and takes into account] the applicable Standards, consistent with the applicable relevant Regional Environmental Management Plan and [Alt. 2 takes into account] the Guidelines;</p>	<p>To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.</p>
<p>13(9)(a) Assessment of Applicants and application</p>	<p>In considering whether an application provides for effective Protection of the Marine Environment, the Commission shall determine: (a) whether the Plan of Work demonstrates that it will meet [article 145 of the Convention,] the [Authority’s Strategic Environmental Goal and Objectives under regulation 44ter], the regional environmental objectives and measures under the relevant Regional Environmental Management Plan, and the environmental thresholds in the applicable Standards, taking into consideration the cumulative effects of all Exploitation Activities [and climate change]; (abis) whether the Plan of work is consistent with the regional environmental objectives and measures under the applicable Regional Environmental Management Plan</p>	<p>The reference to REMP is moved to a new (abis) and brought in line with the terminology of DR12(3).</p>
<p>15(2)(c) Commission’s recommendation for the approval or disapproval of a Plan of Work</p>	<p>The Commission shall not recommend approval of a proposed Plan of Work if: [(c) such approval would undermine or contradict the Authority's Strategic Environmental Goals or Objectives pursuant to regulation 44 ter or would be inconsistent with the regional goals, objectives or measures set out in the relevant applicable Regional Eenvironmental Mmanagement Pplan;]</p>	<p>To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.</p>

<p>18bis(1) Obligations of the Contractors</p>	<p>1. Contractors shall comply with the terms and conditions of their Exploitation Contract and the rules, regulations and procedures of the Authority, [as well as the applicable Regional Environmental Management Plans], in a manner consistent with the Convention and the Agreement.</p> <p>1. Alt. A Contractor shall comply with the applicable obligations created by the provisions of the Convention, the Agreement, these Regulations, and other rules, regulations and procedures of the Authority, the decisions of the organs of the Authority [as well as the applicable Regional Environmental Management Plans] and the terms of its Exploitation Contract with the Authority.</p>	<p>This reference here is not necessary and not correct if the work of the group is accepted.</p>
<p>20(6)(bter) Term and extension of Exploitation Contracts</p>	<p>The Commission [shall]/[may] recommend to the Council the approval of an application to extent an Exploitation Contract, and an Exploitation Contract [shall]/[may] be extended by the Council provided that:</p> <p>(b) ter the cumulative environmental impact does not exceed is not inconsistent with the threshold set by the applicable Regional Environmental Management Plan as a result of the extension and that such extension does not hinder the achievement of the strategic and regional environmental goals and objectives</p>	<p>To bring in line with the terminology of DR12(3).</p>
<p>38(2)(g) Annual report</p>	<p>Such annual reports shall be in accordance with applicable Standards and taking into account the Guidelines and include:</p> <p>(g) the actual results and data obtained from environmental monitoring programmes, including observations, measurements, evaluations and the analysis of environmental parameters, reported against [the Strategic Environmental Goal and Objectives in regulation 44ter, the relevant applicable Regional Environmental Management Plan including its Regional Environmental Objective and] where applicable, any criteria and thresholds included in the applicable Standards, and against the Environmental Management and Monitoring Plan, [taking into consideration consistent with the applicable Regional Environmental Management Plan] together with details of any response actions implemented under the plan and the actual costs of compliance with the plan;</p>	<p>To bring in line with the terminology of DR12(3) and the definition of 'Regional Environmental Management Plan' in the Schedule.</p>

<p>44(1) General obligations</p>	<p>The Authority, Sponsoring States, the Enterprise, Contractors, flag States and port States and the States of registry shall take necessary measures to ensure effective Protection of the Marine Environment from harmful effects which may arise from the Exploitation, in accordance with these Regulations as well as applicable Standards, consistent with the applicable Regional Environmental Management Plan and taking into account the relevant Regional Environmental Management Plan and Guidelines and to this end shall, [as applicable in their respective areas of competence]:</p>	<p>To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.</p>
<p>46(3)(a) +(c) [The] Impact Assessment [Process]</p>	<p>The [process for] Environmental Impact Assessment shall:</p> <p>(a) be based on relevant and representative environmental baseline data based on sufficient scientific information in accordance with applicable Standards, consistent with the applicable and Regional Environmental Management Plans and taking into account the Guidelines;</p> <p>(c) include an Environmental Risk Assessment that takes into consideration the region as a whole in accordance with the relevant applicable Regional Environmental Management Plan;</p>	<p>To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.</p>
<p>48(3)(b) Environmental Impact Statement</p>	<p>The Environmental Impact Statement shall be in a form, [and entail all elements,] prescribed by the Authority in Annex IV and the applicable Standard and taking into account] the applicable Guidelines, and shall:</p> <p>(b) demonstrate that the proposed Exploitation is in accordance with all [applicable] environmental Standards and [taking into consideration] the Authority’s environmental [goals and] objectives] and consistent with the relevant applicable Regional Environmental Management Plan, as well as any [Test Mining activities conducted during Exploration;] [or relevant data from any Test Mining activities] [additional objectives set by the Contractor] [and any results of the performed Test Mining Study, where applicable];</p>	<p>To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.</p>
<p>50(2)(a) Environmental Management and Monitoring Plan</p>	<p>The Environmental Management and Monitoring Plan shall include all elements and matters prescribed in Annex VII to these Regulations and shall:</p> <p>(a) incorporate project specific environmental objectives and environmental performance Standards, [including environmental threshold values] which are designed to achieve the environmental policy and objectives of the Authority [including those] set out in regulation 44 ter] and [are compatible with] applicable Standards and taking into account consistent with the relevant applicable Regional Environmental Management Plan;</p>	<p>To bring in line with the terminology of DR12(3) and the definition of ‘Regional Environmental Management Plan’ in the Schedule.</p>
<p>50(2 Alt) Environmental Management and Monitoring Plan</p>	<p>The Environmental Management and Monitoring Plan shall be in accordance with the Authority’s environmental policy and objectives [including those set out in regulation 44 ter] and [are compatible with] applicable Standards and taking into account consistent with the relevant applicable Regional Environmental Management Plan, the</p>	<p>To bring in line with the terminology of DR12(3) and the definition of</p>

	relevant Guidelines, and be based on the Environmental Impact Statement, and shall include all elements and matters prescribed by the Authority in Annex VII to these Regulations, and shall:	'Regional Environmental Management Plan' in the Schedule.
50ter(2)(a) Environmental Management System	The Environmental Management System shall be detailed in the Environmental Management and Monitoring Plan in accordance with regulation 7, paragraph 3.bis, subparagraph (h). An Environmental Management System shall refer to the following iterative process to: (a) establish environmental objectives and processes necessary to deliver results in accordance with the Authority's environmental objectives in the Contract Area, including those reflected in the Applicant's Environmental Management and Monitoring Plan and the relevant applicable Regional Environmental Management Plan;	To bring in line with the definition of 'Regional Environmental Management Plan' in the Schedule.
52(1)(b) Performance assessments of the Environmental Management and Monitoring Plan	A Contractor shall [also periodically] conduct [or commission a formal] performance assessments of its Environmental Management and Monitoring Plan, [in accordance with this regulation, [the applicable Standard and taking into account the Guidelines]. In conducting such a performance assessment of the Environmental Management and Monitoring Plan, the Contractor shall [using an Independent Auditor,] assess: (b) the conformity of if the plan is consistent with [the objectives and] measures included in the applicable Regional Environmental Management Plan [including any revisions or updates to the Regional Environmental Management Plan that may be adopted from time to time,];	To bring in line with the terminology of DR12(3).
53 Pollution control	A Contractor shall take [all] necessary [and appropriate] measures to protect and preserve the Marine Environment, from harmful effects, in accordance with article 145 of the Convention, including by preventing, reducing and controlling pollution and other hazards, [including underwater noise, light, greenhouse gas emissions, and marine litter, directly or indirectly [resulting arising] from its activities in the Area. This is to be done [in accordance with the Standards], [pursuant to] [its Environmental Management and Monitoring Plan, and] all relevant rules, regulations and procedures of the Authority [and Contractors' Environmental Management and Monitoring Plan], [and taking into account consistent with] the applicable Regional Environmental Management Plans, and [the Guidelines].	To bring in line with the terminology of DR12(3) and the definition of 'Regional Environmental Management Plan' in the Schedule.
59(1) Closure Plan	A Contractor shall develop a Closure Plan for the Mining Area, in accordance with regulation 7, paragraph 3 and regulation 93 ter, Annex VIII to these Regulations, [applicable Standards] and consistent with other Environmental Plans of the Contractor, [the Environmental goals and objectives of the Authority as contained in regulation 44ter], the applicable Regional Environmental Management Plan , as well as Standards, and taking into account the Guidelines [and the applicable Regional Environmental Management Plan] .	To bring in line with the terminology of DR12(3) and the definition of 'Regional Environmental Management Plan' in the Schedule.

<p>60bis(1) Unexpected and Temporary Suspensions of production</p>	<p>As soon as reasonably practicable after any unexpected cessation in Commercial Production, including a Temporary Suspension, the Contractor shall put in place a care and maintenance plan, taking into account the results of monitoring and data and information gathered during the exploitation phase and consistent with the relevant applicable Regional Environmental Management Plan.</p>	<p>To bring in line with the terminology of DR12(3) and the definition of 'Regional Environmental Management Plan' in the Schedule.</p>
<p>Annex IV Environmental Impact Statement, section 1 under b</p>	<p>(b) Provide information [based on data from, as a general rule, a minimum of 15 years of monitoring,] in accordance with these Regulations and consistent with the applicable Regional Environmental Management Plan, Standards and Guidelines, corresponding to the scale and potential magnitude of the activities, to assess the likely Environmental Effects of the proposed activities. Such effects shall be discussed in proportion to their significance. Where an applicant or Contractor considers an Environmental Effect to be of no significance, there should be sufficient information to substantiate such conclusion, or a brief discussion as to why further research is not warranted; and</p>	<p>To bring in line with the terminology of DR12(3).</p>
<p>Annex VII Environmental Management and Monitoring Plan, (1)(a)bis</p>	<p>The Environmental Management and Monitoring Plan prepared under these Regulations and this Annex VII shall be:</p> <p>(a) bis. prepared in accordance with the relevant regulations and Standard, consistent with the applicable and Regional Environmental Management Plan, taking into consideration Guidelines, on the basis of Best Environmental Practice, Best Available Scientific Information; and</p>	<p>To bring in line with the terminology of DR12(3) and the definition of 'Regional Environmental Management Plan' in the Schedule.</p>
<p>Annex VII Environmental Management and Monitoring, (2)(b)</p>	<p>An Environmental Management and Monitoring Plan shall contain:</p> <p>(b) a description of the project and the area likely to be affected by the proposed activities and by any suspension plumes they generate. Include detailed location maps showing proposed Impact Reference Zones and Preservation Reference Zones as well as locations of other nearby Contract Areas or known seabed infrastructure, the Preservation Reference Zones, the Impact Reference Zones and the surrounding area with reference to the applicable Regional Environmental Management Plan including any buffer zones to prevent damage to these areas;</p>	<p>To bring in line with the definition of 'Regional Environmental Management Plan' in the Schedule.</p>
<p>Annex VIII Closure Plan, (1) chapeau</p>	<p>The Closure Plan or Final Closure Plan shall be prepared and implemented in accordance with regulation 7 [and regulations 59-61], the Environmental Management System, Standards, consistent with the applicable Regional Environmental Management Plan and taking into account the Guidelines and the relevant Regional Environmental Management Plan and shall include the following information:</p>	<p>To bring in line with the terminology of DR12(3) and the definition of 'Regional Environmental</p>

		Management Plan’ in the Schedule.
Schedule, [“Serious Harm to the Marine Environment”]	means an Environmental Effect that, individually in combination or cumulatively meets any of the following criteria: (a) it is not likely to be redressed through natural recovery within a reasonable period; (b) it impairs the ability of affected populations to replace themselves; (c) it degrades the long-term natural productivity of habitats or ecosystems; (d) causes, on a more than temporary basis, a loss of species richness or biological diversity, including community structure, genetic connectivity among populations, ecosystem functioning and ecosystem services on the seabed, at the sea surface, and in midwater and in the benthic boundary layer, or habitat; or (e) any other criteria contained in the relevant applicable Regional Environmental Management Plan, or Standards.]	To bring in line with the definition of ‘Regional Environmental Management Plan’ in the Schedule.
Schedule, “Regional Environmental Management Plan”	means a proactive spatial management strategy plan developed by the Authority, containing region-specific information, measures and procedures 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.]	Clarified that it is a document from the Authority and reiterating the purpose as formulated in ISBA/30/C/3/Rev.1.

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

During the most recent in-person meeting in Kingston, the Facilitator concluded that Council had reached a significant level of shared understanding of the substance and intent of the textual proposals submitted by the group before the 1 December 2025 deadline.¹

Accordingly, it was agreed to commence a legal scrub of the consolidated text to align all references to the REMPs with this textual proposal.

Amendments have been introduced where necessary to ensure consistency with the group’s previously submitted text proposal. Not all Draft Regulations that refer to REMPs are reflected in this document, as certain provisions did not require amendment. Furthermore, the revisions made to the Draft Regulations are strictly limited to matters within the mandate of this group and are intended solely to ensure textual

¹ [Template Proposal 31-session Intersessional-Working-Group-on-Regional-Environmental-Management-Plans.pdf](#)

consistency. Consequently, the support of these amendments by the group should not be interpreted as indicating support by delegations with the remaining text of the relevant provisions (outside of the mandate of the group).