

**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 44bis “Regional Environmental Management Plans”
- Regulation 58 “Review of a Plan of Work”

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.

**Regulation 44 bis
Regional Environmental Management Plans**

~~[1. The Council may request the Commission to prepare a Regional Environmental Management Plan for the regional areas where activities in the Area are likely to take place, for consideration and adoption by the Council.]~~

2. The Commission shall only consider an application for a Plan of Work if a Regional Environmental Management Plan has been adopted by the Council for the particular area and type of resource concerned [in line with the Council-approved ~~procedures and template~~ standardized procedure and template for the development, establishment and review of Regional Environmental Management Plans][, and this applicable Regional Environmental Management Plan is not under review].

~~[2. bis As a general rule, a Regional Environmental Management Plan for a specific area shall be finalized prior to the expiry of the first exploration contract in that area.]~~

3. In the event that an application for a Plan of Work is submitted for an area where no ~~such~~ Regional Environmental Management Plan ~~exists~~ has been adopted [or where a review of the Regional Environmental Management Plan is ongoing], the Authority shall prioritise the [review or] [development]/[development and adoption] of a Regional Environmental Management Plan applicable to the area in concern [without undue delay]. ~~[If such Regional Environmental Management Plan has not been adopted by the Council within 2 years after the submission of an application of a Plan of Work, the Commission shall consider the application for decision without~~

~~delay, and the Council shall expedite in parallel the formulation of such Regional Environmental Management Plan.]~~

~~[3. bis The Council shall, based on the recommendations of the Commission, adopt the rules, regulations and procedures in relation to the development, establishment and review of Regional Environmental Management Plans.]~~

Regulation 58

Review of a Plan of Work

1. A Plan of Work shall be reviewed at intervals not exceeding five years from the date of signature of the Exploitation Contract. That notwithstanding, the Council may decide to review more frequently, based on recommendations of the Commission, in accordance with the applicable Standards and taking into consideration the Guidelines, including where any of the events described in subparagraphs [(a) to (h)] have occurred:

~~[(b) bis. The applicable Regional Environmental Management Plan has been amended following a review.]~~

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

The intersessional working group on REMPs has discussed DR44bis in two intersessional meetings and one round of written comments. Discussions have been fruitful and the Facilitator is grateful for the active participation by all delegations. This textual proposal is submitted by the Facilitator of the working group and tries to reflect the current state of the discussions. Several parts have been kept between brackets when there are diverging views.

DR44bis, paragraph 1

The group proposes to delete paragraph 1.

In July 2025, Council adopted Council decision ISBA/30/C/20. In paragraph 3 of this decision, Council already requested the LTC to advance its work on the development, establishment and review of regional environmental management plans, with a view to recommending to the Council new regional environmental management plans for priority areas where there are currently exploration contracts.

Furthermore, with this decision, Council adopted document ISBA/30/C/3/Rev.1 containing the standardized procedure for the development, establishment and review of regional environmental management plans. Paragraph 9 of ISBA/30/C/3/Rev.1 contains a procedure for the initiation of the development of a regional environmental management plans. According to this paragraph, Council is responsible for the initiation of regional environmental management plans for all mineral resources in the Area where exploration and exploitation are taking place, and the Council may request the Commission to develop such plans if it deems them necessary.

Concluding, the Council has already requested and can continue to request the Commission to develop new REMPs. Therefore this paragraph is redundant.

DR44bis, paragraph 2

The discussions during the intersessional period focused on the reference to the standardized procedure and template. Divergent views were expressed regarding whether this reference should be retained or deleted, given the implications for the CCZ REMP, which remains the only REMP adopted by the Authority.

If the reference is retained, a Plan of Work for the CCZ could not be considered unless and until the CCZ REMP is aligned with the standardized procedure and template. Several delegations supported this approach, noting that the CCZ REMP should be updated accordingly. Other delegations, however, opposed a situation in which the consideration of a Plan of Work for the CCZ would be contingent upon such alignment.

In addition, a compromise proposal was submitted in relation to paragraphs 2 and 3 concerning the review of a REMP. The proposed addition at the end of paragraph 2, read together with the amendments to paragraph 3, would ensure that where a Plan of Work is submitted for an area in which a REMP review is ongoing, the Plan of Work cannot be considered until the review has been completed. The proposal to paragraph 3 provides that the Authority shall give priority to that review process.

The group was unable to reach agreement on these issues. Consequently, the relevant parts remain in brackets pending further consideration. Without prejudice to the outcome of these discussions, the reference to the standardized procedure and template has been revised to ensure consistency with the terminology used in ISBA/30/C/3/Rev.1.

DR44bis, paragraph 2bis

The group proposes the deletion of paragraph 2bis.

Several delegations expressed concerns regarding the phrase “as a general rule”, noting that its meaning and legal effect are unclear. In addition, some delegations considered that the paragraph would introduce an arbitrary timeline for the development of REMPs.

The Facilitator further notes that paragraph 3 of Council Decision ISBA/30/C/20 already requests the LTC to advance its work on the development, establishment and review of regional environmental management plans, with a view to recommending to the Council new regional environmental management plans for priority areas where there are currently exploration contracts.

DR44bis, paragraph 3

The group agreed to retain the first sentence of paragraph 3, although views differed regarding its precise formulation.

One option under consideration is the inclusion of a reference to the review process of REMPs in this paragraph. This proposal should be read in conjunction with the discussions on paragraph 2. Taken together, the proposed amendments would mean that where a Plan of Work is submitted for an area in which a review of the relevant REMP is ongoing, the Plan

of Work could not be considered until that review has been completed, and the Authority would be required to give priority to the review process.

Delegations also expressed differing views regarding the terms “development”, “development and adoption”, and “without undue delay”. Some delegations supported the formulation “development and adoption” together with the qualifier “without undue delay”. Other delegations considered the inclusion of “without undue delay” unacceptable. A further group of delegations indicated flexibility to retain the reference to “without undue delay”, but only if it were linked exclusively to the term “development”.

As the group was unable to reach agreement on these issues, all alternative formulations have been retained in brackets.

It should be noted that the drafting of paragraph 3 may require further refinement once a preferred option has been identified. The Facilitator acknowledges this and will ensure that the final wording appropriately reflects the agreed approach.

As a last point, there was broad support within the group for the deletion of the final sentence of paragraph 3.

DR44bis, paragraph 3bis

The group proposes the deletion of paragraph 3bis, as the matters addressed therein are already covered by Council decision ISBA/30/C/20. The paragraph is therefore considered redundant.

DR58, paragraph 1

During the discussions on DR44bis(2), a proposal was introduced to add a new subparagraph to DR58(1).

Pursuant to ISBA/30/C/3/Rev.1 and Council decision ISBA/30/C/20, any review of a REMP is required to be conducted in accordance with the standardized procedure and template.

Consequently, if Council were to decide to delete the reference to the standardized procedure and template in DR44bis, paragraph 2, the proposed addition to DR58(1) would provide a safeguard. It would ensure that a Plan of Work is assessed against, and made consistent with, the most recent version of the applicable REMP.

While the proposal appears to enjoy support within the group, it was introduced only recently. For this reason, the Facilitator has decided to retain the proposed text in brackets pending further consideration.