

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group – Institutional Matters

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. Name(s) of Delegation(s) making the proposal:

Germany

2. Please indicate the relevant provision to which the textual proposal refers.

Regulation 57

3. Kindly provide the proposed amendments to the regulation 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.

1.A Contractor shall not modify the Plan of Work annexed to an exploitation contract, except in accordance with this regulation.

2. A Contractor shall notify the Secretary-General if it wishes to modify the Plan of Work. The Secretary-General shall, in consultation with the Contractor, consider whether a proposed modification to the Plan of Work constitutes a Material Change in accordance with the Guidelines. If the Secretary-General considers that the proposed modification constitutes a Material Change, the Contractor shall seek the prior approval of the Council based on the recommendation of the Commission under regulations 12 and 16, and before such Material Change is implemented by the Contractor If the Secretary-General considers that the proposed modification does not constitute a Material Change, the Secretary-General shall report the main reasons for this finding to the Commission. If the Commission disagrees with the determination of the Secretary-General, the Commission shall inform the Council and provide a recommendation to the Council to take the final decision.

3. Where the proposed modification under paragraph 2 above relates to a Material Change in the Environmental Management and Monitoring Plan or Closure Plan, such plans shall be dealt with in accordance with the procedure set out in regulation 11, prior to any consideration of the modification by the Commission.

4. The Secretary-General may propose to the Contractor a change to the Plan of Work which is not a Material Change to correct minor omissions, errors, or other such defects. After consulting the Contractor, the

Secretary-General may make the change to the Plan of Work, and the Contractor shall implement such change. The Secretary-General shall so inform the Commission and the Council at ~~its~~their next meetings.

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

Concerning the “modification of a plan of work”, we believe it is necessary for the Commission and the Council to be involved in the decision as to whether there is “material change” (Draft Regulation 57, para. 2; Draft Regulation 25, para. 1). This aspect relates to the main issue “Delegation of Functions” that we raised before (see our 2019 comments).