

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

Federal Republic of Germany

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

Draft Regulation 57

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.

Regulation 57

Modification of a Plan of Work by a Contractor

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.

Alt.1. 2. A Contractor shall notify the Secretary-General if it wishes to modify the Plan of Work. The Secretary General **shall inform the Council and transfer the request to the Commission**, which shall consider whether a proposed modification to the Plan of Work constitutes a Material Change in accordance with **the Standards**. If the **Commission** considers that the proposed modification constitutes a Material Change, the Contractor shall seek the prior approval of ~~said—the~~ Council based on the recommendation of the Commission under regulations 12 and 16, and before such Material Change is implemented by the Contractor. The sponsoring State shall also be informed.

A clear definition about what constitutes Material Change is needed. Specific criteria shall be developed through Standards.

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.

~~Alt 1. 3. Where the proposed modification under paragraph 2 above is determined to constitute a Material Change and may have a potential additional or different impacts on the Marine Environment and therefore implications on the accepted Environmental Plans Environmental Management and Monitoring Plan or Closure Plan, the Council, based on the recommendation of the Commission, shall decide whether, such plans require revision by the Contractor. Any revised such plans will be assessed 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. ~~Notwithstanding Paragraph 2, (The Secretary-General may propose to and the Contractor may agree to a change to the Plan of Work that is not a Material Change, in accordance with the relevant Standard, 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 next meeting. The Council may decide to apply the procedure as provided in Paragraph 2.~~

Alt. 1. 4. The Commission may propose a change to the Plan of Work that is not a Material Change, to correct minor omissions, errors or other such defects. The Secretary General will transmit the proposal to the Contractor. The Contractor will respond to the proposed change. The Commission will recommend the change to the Plan of Work, and the Contractor shall implement such change. The Secretary-General shall so inform the Council at its next meeting.

The facilitators recommend a further discussion about this paragraph.

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

Re Paragraph 2 we strongly support the Alt1-version.

We suggest that it is the Commission to determine whether a change of a plan of work constitutes a material change, to be approved by the Council. Furthermore, we hold the view that it is indispensable to develop a Standard with a set of indicative criteria to define "material change" that the Commission will apply in their assessment (according to DR13).

Re Para 3 we suggest to work on the basis of Alt1-Version with some amendments, e.g. in order to clarify roles.

Re Para 4, we prefer the original version with some amendments.