

**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 58

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 58

Review of activities under a Plan of Work

1. ~~A Plan of Work shall be At-reviewed at~~ intervals not exceeding five years from the date of signature of the exploitation contract ~~, or where, according to the relevant organ of the Authority~~The Commission or the Council can initiate additional reviews, as appropriate in the opinion of the Secretary General, there have occurred, including where any of the following events or changes of circumstance have occurred, in taking into account the applicable standards:

~~(a) A proposed Material Change in the implementation of the Plan of Work;~~

(a.bis) Identification of a new environmental risk, or a significant change to existing risk calculations;

(a.ter) An indication that the ~~cumulative i~~Environmental Impacts of the Exploitation activities exceed any environmental objectives or thresholds as established by the relevant Standards and ~~under~~ the applicable Regional Environmental Management Plan;

(a.qtr) New information relevant to the effective protection of the marine environment.

(b) Any Incident;

(c) Recommendations for improvement in procedures or practices following an inspection report under regulation 100;

(d) A performance assessment which requires action under regulation 52 (8);

(e) Changes in ownership or financing which may adversely affect the financial capability of the Contractor;

(f) Changes in Best Available Techniques;

(g) Changes in Best Available Scientific ~~Information Evidence~~; or

(h) Operational management changes, including changes to subcontractors, ~~the relevant organ of the Authority as appropriate shall Secretary General may review with the Contractor the Contractor's activities under the Plan of Work, and such organ shall recommend to the Council discuss whether any modifications to the Plan of Work are necessary or desirable.~~

(h)bis Changes in the overall policy of the Authority

2. A review of activities shall be undertaken by the Contractor and verified by an independent expert, in accordance with the relevant regulations, Standards and taking into account the Guidelines. The Secretary-General ~~or~~ and the Contractor ~~may~~ shall invite the sponsoring State or States, and relevant coastal states to participate in the review of ~~activities perform by the appropriate organ~~ the Plan of Work. The results of the review shall be compiled as a report.

3. The Secretary-General ~~shall~~ shall forward the report on each review to the Commission and Council, and the sponsoring State or States. Where, as a result of a review, the Contractor or the Council, based on the recommendation by the Commission, wishes to make any changes to a Plan of Work and such changes are Material Changes ~~requiring the approval of the Council, based on the recommendation of the Commission,~~ the Contractor shall seek that approval in accordance with regulation 57 (2) and, where applicable, regulation 57 (3).

Alt 1. 3. The organ in charge of the review shall report on each review to the Commission and Council, the sponsoring State or States and the relevant coastal states. Where, as a result of a review, material changes need to be made to the Plan of Work, the Commission shall recommend said changes to the Council, and the Contractor shall implement such changes as soon as viable. Where, as a result of a review, the Contractor wishes to make any changes to a Plan of Work and such changes are Material Changes requiring the approval of the Council, based on the recommendation of the Commission, the Contractor shall seek that approval in accordance with regulation 57 (2) and, where applicable, regulation 57 (3).

4. The Secretary-General may request ~~For the purpose of the review,~~ the Contractor ~~shall provide all~~ to submit such additional data and information ~~required by the Secretary General in the manner and at the times the Secretary General requests~~ as may be necessary for the purposes of this regulation.

5. Nothing in this regulation shall preclude the appropriate organ of the Authority ~~Secretary General,~~ the Sponsor State or States, or the Contractor from making a request to initiate discussions regarding any matter connected with the Plan of Work, exploitation contract or the activities under the exploitation contract in cases other than those listed in paragraph 1 above.

6. The Secretary-General shall make publicly available the findings and recommendations resulting from a review of activities under this regulation.

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

Our understanding of the purpose of this regulation is that it should enable the relevant ISA organs to decide whether there is a need to review and possibly revise a Plan of Work.

We suggest deletion of Para 1a) as we regard the material change rather as a potential outcome of the review than as a trigger for the review.

Re Para 2 we propose that it is yet to be discussed **who** is to undertake the review.

Re Para 3 we prefer the original version over the Alt version, with some amendments proposed.

We rephrased Para 4 to be in line with the relevant exploration regulation.