

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

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 of Working Group:

Institutional Working Group

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

UK delegation

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

Regulation 57 (Review and modification of a Plan of Work).
Para 2.

4. 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.

~~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 Council based on the recommendation of the Commission under regulations 12 and 16, and **may give its prior approval** before such Material Change is implemented by the Contractor. The sponsoring State shall also be informed.~~

Suggested replacement text:

“2. If a Contractor wishes to modify a Plan of Work, it shall notify the Secretary-General. The Secretary-General shall transfer the modified Plan of Work to the Commission to 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 Commission may submit an appropriate recommendation to the Council. Based on this

recommendation, under regulations 12 and 16, the Council may give its prior approval before such a Material Change is implemented by the Contractor. The Sponsoring State shall also be informed.

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

As the Contractor cannot go directly to the Council for a recommendation to a Plan of Work, according to the Article 165 (The LTC) of UNCLOS, the modified Plan of Work should be first considered by the Commission who will provide a recommendation to the Council for a decision. This textual proposal serves to explain the process in a clearer step by step format.

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Regulation 57 (Review and modification of a Plan of Work).
Para 4.

4. 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.

~~4. The Secretary General may propose to the Contractor a change to the Plan of Work that 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 at its next meeting.~~

~~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.~~

Proposed new text: 4. The Commission may recommend a change to the Plan of Work that is not a Material Change. The Secretary General will transmit the recommendation to the Contractor, and the Contractor shall implement such change. The Secretary-General shall so inform the Council at its next meeting.

In the instance of correcting minor omissions, errors or other such defects which are not substantive, the ISA Secretariat will be responsible for making the change and informing the Contractor and the Sponsoring State.

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

While the UK can see that either the Secretary General or the Commission may be qualified to propose a non-Material Change to a plan of work, we think it is a practical consideration to prioritise the workload of the Commission and to minimise burden, where possible. If this provision pertains to minor omissions or errors that are not substantive, we believe it would be proportional to leave this to the Secretariat.

