

**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:
IWG Institutional matters**
- 2. Name(s) of Delegation(s) making the proposal:
Interoceanmetal Joint Organization**
- 3. Please indicate the relevant provision to which the textual proposal refers.**

Regulation 58

“1. 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, as appropriate in the opinion of the Secretary-General, there have occurred any of the following events or changes of circumstance in taking into account the applicable standards: [...]

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

(a.ter) An indication that the cumulative impacts of the Exploitation activities exceed any environmental objectives or thresholds as established under the applicable Regional Environmental Management Plan;

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

(f) Changes in Best Available Techniques;

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

(h) [...] 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”

IOM’s comment:

I would like to make one very brief comment, relating to **subpara 1 (a.bis), (a.ter), (a.qtr), (f) and (g)**. My comment will, in fact, to certain extend echo this what was said in this very room yesterday in the afternoon but then I would like to conclude with a much broader observation.

I would like to stress that for the contractors it is essential to know:

- 1. will the contractor have to stop its exploitation activities until a new Plan of Work is adopted?**
- 2. what will be a procedure for pulling the trigger to initiate the review of plan of work with the Contractor?**

3. who will be responsible for keeping track or for monitoring changes in Best Available Techniques and Best Available Scientific Evidence and how it will be assessed that a change has occurred?
4. who will identify new environmental risks and who will decide whether new information is relevant to effective protection of marine environment?
5. who will monitor the cumulative impacts (cumulative environmental effects)? Who is the “relevant organ of the Authority” here

I know it has not been decided yet. The Legal and Technical Commission is one of the option on the table. From my own experience I would like to add that the tasks I’ve just mention are rather complicated and multidimensional and will require the allocation of significant resources. I don’t doubt that the Legal and Technical Commission has enough expertise to be able to deal with these tasks but it seems like the Commission, if we look at all the duties of this body, will be extremely overloaded with work. I wonder if anyone has ever prepared the list of all the tasks the Commission will have to deal with; all the tasks provided for not only in these draft regulations but also in a set of the exploration regulations. It is not a question of capability – but capacity.

Regulation 58

“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).”

IOM’s comment:

I would like to make a comment here because it seems that we have two different procedures.

The first one “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” – there is no need for the Contractor to seek the approval of the Council, the Council is just informed by the LTC.

The second one: “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” – there is a need for the Contractor to seek for the approval.

I would be grateful for clarification if these two varying procedures are intended but in my opinion there should be uniformity across the regulations in this instance.