

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

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 matters

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

Norway

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

DR 11, (amendments in green) and track changes.

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.

Regulation 11

Publication and review of the Environmental Plans [and Environmental

Management Systems]

Alt. [Publication, notification, and review of the Application]

1. The Secretary-General shall, within seven Days after determining that an application for the approval of a Plan of Work is complete under regulation 10:

(a) Place the Environmental Plans ~~[and any information necessary for their assessment as well as the non-confidential parts of the test mining study]~~ on the Authority’s website ~~for a period of [60 90] Days,~~ and ~~[notify and]~~ invite members of the Authority, ~~[relevant adjacent coastal States],~~ Stakeholders ~~[and the general public]~~ to submit comments in writing ~~within 90 days,~~ taking account of the relevant Guidelines. ~~All comments shall be published on the Website of the Authority;~~ and

(b) Request the Commission to provide its comments on the Environmental Plans ~~[and the non-confidential parts of the test mining study]~~ within the ~~[90 Day]~~ comment period.

~~[(c) Establish an independent review team, making use of the roster of competent independent experts, if any, to provide comments on the Environmental Plans within the comment period.]~~

~~(c) alt. [In the case the Commission evaluates that there are aspects of the Environmental Plans that are not covered entirely by its own internal expertise, the Commission shall nominate within 7 Days from the publication of the Environmental Plans on the Authority's website at least three competent independent experts selected on the basis of their significant experience or record of publications in a particular deep-sea environment or technology sector.]~~

~~2. The Secretary-General shall, within seven Days following the closure of the comment period, provide the comments submitted by members of the Authority, [relevant adjacent coastal States], Stakeholders, [the general public,] the Commission, [the independent review team] and any comments by the Secretary-General to the applicant [for its consideration].~~

~~{2 bis. All comments provided pursuant to paragraph (2) shall be published on the Website of the Authority.}~~

~~{2. *ter.* The applicant shall consider the comments provided pursuant to paragraph (1) and **may shall** revise the Environmental Plans ~~{and the test mining study}~~ or provide responses in reply to the ~~{substantive} comments, {as appropriate}~~, and shall submit any revised plans or responses ~~{to the Secretary -General} [to the Commission]~~ within a period of ~~{30} Days following the close of the comment period, {unless otherwise decided by the Secretary-General after considering a request by consulting with the applicant. before the time period of 30 Days expires for an extension of the period due to the time required to revise the plans or responses. Notice of the extension of The period shall be posted on the Authority's website}~~~~

3. The Commission shall, as part of its examination of an application under regulation 12 and assessment of applicants under regulation 13, examine the Environmental Plans ~~or revised plans {and the test mining study}~~ in the light of the comments ~~{submitted} made~~ under paragraph 1(a) ~~2 above~~, together with any responses by the applicant ~~{provided under paragraph 2 *ter.*}~~, and any additional information provided by the Secretary-General.

4. Notwithstanding the provisions of regulation 12 (2), the Commission shall not consider an application for approval of a Plan of Work until the Environmental Plans ~~{and the test mining study}~~ have been published and ~~{reviewed if necessary, revised}~~, in accordance with this regulation.

5. The Commission shall prepare a report on the Environmental Plans ~~{and the test mining study}~~. The report shall include details of the Commission's determination under regulation 13 (4) (e) as well as ~~{a summary of} the comments {or and} responses {made submitted} under ~~regulation 11 (2) paragraph 2~~ [as well as any further information provided by the Secretary-General under regulation 11(2)] ~~[as well as the relevant rationale for the Commission's determination, with specific explanation as to any comments or responses that are disregarded]~~. The report shall also include any amendments or modifications to the Environmental Plans recommended by the Commission under regulation 14 ~~{and changes subsequently made to application documents by the applicant}~~. Such report on the Environmental Plans or revised plans shall be published on the Authority's website and shall be included as part of the reports and recommendations to the Council pursuant to regulation 15. ~~{In preparing the report, the Commission {may}{shall} seek advice from competent independent experts as necessary. [In such case, the Commission shall clarify the necessity of advice from experts and seek prior approval of the Council.] The experts shall be selected and appointed in accordance with the [relevant Guidelines] [Annex {xxx}]}~~~~

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

While we recognize that DR11 might still be updated based on the outcomes of the intersessional work on standardization of stakeholder consultations, i.e. when it comes to the length of the comment period, we have some suggestions to increase readability and accessibility of this DR.

Norway proposes to remove para. 1 c) on the establishment of an independent review team and a corresponding roster. The LTC is the correct body consisting of independent experts to evaluate the PoW, including the Environmental Plans, when submitted.

Based on the same rationale, Norway also proposes to delete para. 1 c) alt, as this seems to call for what we consider is unnecessary micromanaging of the Council's expert advisory body.

We suggest moving 2bis to 1. a) last sentence for clarity and readability.

We believe parts of DR 11 para. 5 last sentence should be moved to DR 12 (General) on the LTC's opportunity to seek advise from other experts. The LTC already has the ability to seek advise from environmental experts, cf. UNCLOS art. 165 para. 2 letter e).

We have also removed references to "the test mining study" since DR 11 deals with the publication and review of the Environmental Plans. Further, it has not been decided whether test mining in fact will be a requirement, and what shape, form and under what conditions, such a requirement would apply.

All additional changes are made based on an objective of achieving a legible and operative regulation.