

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART III**

*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](mailto: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.**

Regulation 107

- 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.**

Review of these regulations

1. Five years following the approval of these regulations by the Assembly, or at any time thereafter, the Council shall undertake a [full] review of the manner in which the regulations have operated in practice.
2. If, in the light of improved knowledge[, implementation experience, identification of regulatory gaps,] or technology, it becomes apparent that these regulations are not adequate, any State party, the Commission or any Contractor [or Stakeholder] through its sponsoring State may at any time request the Council to consider, at its next ordinary session, revisions to these regulations [and the matter shall be included in the provisional agenda of the Council for that session].
3. The Council shall establish a process that gives [relevant] Stakeholders adequate time and opportunity to comment on proposed revisions to these regulations, save for the making of an amendment to these regulations that has no more than a minor effect or that corrects errors or makes minor technical changes.
4. In the light of that review, the Council may adopt and apply provisionally, pending approval by the Assembly, amendments to the provisions of these regulations, taking into account the recommendations of the Commission or other subordinate organs. Delegates are requested to consider whether the regulations should provide mechanisms for administrative review procedures for decisions of the Authority (in addition to the more formal dispute resolution procedures in UNCLOS). This may, for example, provide for procedures that can be more efficient than a referral to ITLOS, and may provide more comprehensive grounds for review and/or legal standing in certain circumstances to parties other than Contractors and States. Delegates are also invited to discussed whether the regulations should include a requirement to attempt alternative dispute settlement, rather than requiring immediate recourse to ITLOS.

[5. Any amendments to these Regulations adopted by the Council and the Assembly, shall not be applied retroactively to the detriment of the Contractors that have already signed an exploitation contract with the Authority.]

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

DR 107 was not read in July 2023, and the above (from the co-facilitators' text of July 2023) is therefore the relevant version from the previous facilitator's text reflecting comments from delegations, in addition to any comments made in or after November 2023. Norway kindly asks that this is reflected in the consolidated text.

Norway notes that there was a proposal in November 2023 to delete DR107 because it is unnecessary in light of the relevant provisions of the Convention. Norway looks forward to discussing this matter further.

If we are to retain DR107, we must ensure that the review procedure is clear and accessible. There must be a clear qualifier and threshold for any review to be initiated or take place outside the 5yr main rule, and a qualifier for the review to be put on the agenda of the Council. There must also be a clear procedure to ensure Stakeholder consultations on proposed substantial amendments.

When it comes to para 5, Norway considers that the issue of retroactive application is an important one that needs further consideration. If the proponent of para 5 alt (from the November version of the co-facilitator's text) would like to reintroduce it, Norway asks for the rationale to be explained further to allow for discussion in Council.