

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal:

Norway

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

Draft Regulation 57 Modification of a Plan of Work by a Contractor

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.

1. A Contractor shall not modify the Plan of Work annexed to an Exploitation Contract, except in accordance with this Regulation.
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.

~~3. Where the proposed modification under paragraph 2 may have a potential impact on the Environmental Management and Monitoring Plan or Closure Plan, such plans shall be dealt with in accordance with the procedure set out in Regulation 11, prior to any consideration of the modification by the Commission.~~

[3. ~~At~~ Where the proposed modification under paragraph 2 is determined to constitute a Material Change, the Council, based on the recommendations of the Commission, shall determine whether the Contractor is required to undertake a revised Environmental Impact Assessment and prepare an Environmental Impact Statement of the proposed modification in accordance with Regulations [47] and [48]bis, respectively. The Environmental Impact Statement, and any revisions to the Environmental Management and Monitoring Plan or Closure Plan, shall be dealt with in accordance with the procedure set out in Regulation 11, prior to any consideration of the modification by the Commission.]

~~4.3. Notwithstanding paragraph 2, Tt~~The Secretary-General ~~may propose to and~~ the Contractor may agree to a change to the Plan of Work that is not a Material Change in accordance with the applicable Standards, 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 and the Council at its their next meeting. The Council may decide to apply the procedure as provided in paragraph 2.

~~5. 3bis~~ Modifications that are not considered Material Changes or correction of minor omissions, errors or other such defects, shall be subject to the approval of the Commission.

~~[4. Alt. The Commission [or the Secretary General] 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.]~~

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

Paragraph 2 - Material Change triggers several procedures that can be time consuming and costly for the contractor. The Contractor is obliged to keep its Environmental Management and Monitoring Plan current and adequate, and it would not be appropriate to consider all such updates Material, and subject to the full Regulation 11 process. The exact threshold of what is considered a Material Change or not shall be dealt with in Guidelines. This threshold needs to be set at a right level to trigger a Regulation 11 process. However, there may be changes that are not mere omissions, errors or other such defects, but which do not amount to a Material Change. For such changes, Norway believes a simpler process with a Commission approval would be sufficient.

Paragraph 3 – Norway believes paragraph 3 Alt was clearer, and suggests keeping this. In Paragraph 3, it was not clear what was meant by “impact on the” plans. The reference in Paragraph 3alt has been updated to refer to the process for revised EIA and EIS. Changes has been made to Regulation 48bis accordingly, see separate submission.

In paragraph 4, Norway proposes minor editorial changes, and deleting the text that was proposed deleted in the Consolidated Text.

Norway can not support paragraph 4 alt, as the SG should not make such revisions without the Contractor.

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