

**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 of Working Group

IWG Environmental Management and Monitoring

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

Norway as facilitator of the working group

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

Regulations 49, 50, 50bis, 51, and 52

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.

The following replaces section 3 in the draft regulation:

Regulation 49 *(previously Regulation 46 bis) [IWG ENV]*

Environmental Management and Monitoring

1. A Contractor shall [continuously][continually] monitor and manage the [Environmental Impacts and] Environmental Effects [and risks] of its activities on the Marine Environment[, in accordance with the Environmental Management and Monitoring Plan and the Closure Plan].
2. A Contractor shall monitor the [Environmental Impacts and] Environmental Effects [and risks] of its activities on the Marine Environment [to determine whether they are having or are likely to have harmful effects on the Marine Environment] to assess compliance with the [Environmental Impact Assessment and] Environmental Impact Statement and Environmental Management and Monitoring Plan and Closure Plans[and to avoid risk of serious harm to the Marine Environment]. Such monitoring shall include a comparison of monitoring data against environmental threshold values and a comparison between monitoring data and the effects predicted in the Environmental Impact Statement, to measure, analyse, and document the actual effects on the Marine Environment.
3. [Continuous][Continual] monitoring shall be conducted until completion of a Closure Plan.
4. The Contractor shall Mitigate and manage Environmental Impacts and Environmental Effects [and risks] to ensure that these are consistent with the [threshold values,] Standards and the Exploitation Contract and its schedules [including the predictions made in the Environmental Impact Statement].
5. If the Contractor identifies harmful effects on the Marine Environment that breach the terms and conditions of its Exploration Contract or the relevant rules, regulations and procedures of the Authority, including the applicable Standards,

[taking into [account relevant][considering the Applicable] Guidelines,] the Contractor shall determine whether the matter is an Incident or Notifiable Event and proceed in accordance with Regulation 33 or 34.

Regulation 50 *(previously Regulation 46 ter) [IWG ENV]*

Environmental Management and Monitoring Plan

1. The purpose of an Environmental Management and Monitoring Plan is to set out how a Contractor shall meet its management and monitoring obligations under Regulation 49.
2. [Alt 1. The Environmental Management and Monitoring Plan shall include all elements and matters prescribed in Annex VII to these Regulations and shall:
 - (a) Incorporate project specific environmental objectives and environmental performance standards, [including environmental threshold values] which are designed to achieve the environmental policy and objectives of the Authority [including those set out in Regulation 44ter] and [are compatible with] applicable Standards and [taking into account] the relevant Regional Environmental Management Plan;
 - (b) Incorporate appropriate measurement criteria, in accordance with the applicable Standard and reflect its methodology to determine whether the environmental objectives [and environmental performance standards] are being met and that the operation is compliant with the Exploitation Contract and its schedules and the relevant rules, regulations and procedures of the Authority;
 - (c) Incorporate measures and procedures on:
 - (i) How the [Environmental Impacts and] Environmental Effects of Exploitation will be monitored;
 - (ii) How the Mitigation and Management measures, including pollution control and Mining Discharge in Regulations 53 bis and 53 ter will be implemented and how the effectiveness of such measures will be monitored [and evaluated];
 - (iii) How spatial and temporal measures, including Preservation Reference Zones and Impact References Zones, will be utilised and implemented;
 - (iv) How, if the monitoring results in new knowledge, the Contractor will take such knowledge into account;
 - (v) A description of the Environmental Management System and
 - (vi) How continual improvement will be achieved, including by testing assumptions and predictions made in the Environmental Impact Statement, improving environmental knowledge, and reducing uncertainties remaining from the Environmental Impact Assessment.]

[Alt 2: The Environmental Management and Monitoring Plan shall be in accordance with the Authority's environmental policy and objectives [including those set out in Regulation 44ter] and [are compatible with] applicable Standards and [taking into [account][consideration]] the relevant Regional Environmental Management Plan, the relevant Guidelines, and be based on the Environmental Impact Statement, and shall include all elements and matters prescribed by the Authority in Annex VII to these Regulations, and shall:

- (a) Set project specific environmental objectives and environmental performance standards,;

- (b) Set measurement criteria and methodology;
 - (b)bis [How spatial and temporal measures, including Preservation Reference Zones and Impact Reference Zones, will be utilised and implemented;]
- (c) Commit to specific measures and procedures on;
 - (i) Monitoring the [Environmental Impacts and] Environmental Effects of Exploitation;
 - (ii) Mitigation and management, including pollution control and Mining Discharge in Regulations 53 bis and 53 ter;
 - (iii) [Monitoring the effectiveness of monitoring and management, as the relevant measures and procedures are implemented];
 - (iv) Taking corrective action and responding to monitoring results and new knowledge with the aim of continuous improvement;
- (d) Describe what monitoring data and reports will be submitted to the Authority, including details of: frequency, format, medium, and data integrity standards.
- (e) Provide a description of the Environmental Management System,]

[3 A draft Environmental Monitoring and Management Plan or proposal by a Contractor to amend an existing plan shall be subject to Stakeholder consultation in accordance with Regulation 93bis. Coastal states shall be engaged in accordance with Regulation 93ter].

4. The Contractor shall assess and maintain the currency and adequacy of its Environmental Management and Monitoring Plan including its continual improvement during the term of its Exploitation Contract, including as a result of management review and audit under Regulation 50 bis, and performance assessment[s] under Regulation 52[, and any modification to the Plan of Work under Regulation 57]. In conducting such an assessment, the Contractor shall assess the efficacy, timeliness, relevance and accuracy of flow of information and data derived from implementation of the Environmental Management and Monitoring Plan, and the efficacy of management measures taken.

Regulation X

Reporting on Environmental Monitoring and Management

1. The Contractor shall report annually in writing, to the Secretary-General on the implementation and results of the Environmental Management and Monitoring Plan in accordance with Regulation 38, subparagraph 2(g).
2. The Contractor shall submit to the Secretary General environmental data and information at required intervals, to the required data integrity quality, and in the required standardized format as set out in the Environmental Management and Monitoring Plan, in accordance with the applicable Standards, and taking into account the relevant Guidelines.
3. The Secretary General shall publish the environmental data and information publicly in accordance with Regulation 92bis. The Secretary-General shall transmit annual reports to the Commission for its consideration and publish them pursuant to Regulation 38;

Regulation 50 bis *(previously Regulation 46) [IWG ENV]*

Environmental Management System

1. A Contractor shall have in place, implement and maintain an Environmental Management System in accordance with the relevant Standard taking into account

the relevant Guidelines, for the purpose of monitoring, [controlling,][managing,] and continuously improving its environmental performance, including through implementing the Environmental Management and Monitoring Plan.

2. The Environmental Management System shall be detailed in the Environmental Management and Monitoring Plan in accordance with Regulation 7 paragraph 3 bis (h). A Contractor shall ensure that its Environmental Management System supports the Contractor in its performance of the Plan of Work to deliver the Authority's environmental objectives, including those reflected in the [relevant] Regional Environmental Management Plan, and deliver the Contractor's environmental commitments under its Exploitation Contract and its schedules [including compliance with the environmental performance standards], and facilitate effective reporting to the Authority in connection with environmental performance, pursuant to Regulations 33, 34, 38, 39, and 52.
3. [The Contractor shall assess and maintain the currency and adequacy of its Environmental Management System][An Environmental Management System shall be subject to continual and systematic improvement] during the term of its Exploitation Contract, including [through frequent] management review [and audit] under Regulation 50 bis (4), performance assessment under Regulation 52[, or any modification to the Plan of Work under Regulation 57]. In conducting such an assessment, the Contractor shall assess the ability of the Environmental Management System to implement effectively the Environmental Management and Monitoring Plan,
4. The Contractor shall ensure that its Environmental Management System shall be reviewed and undergo periodic audits by an independent recognized and accredited international or national organization, in accordance with applicable Standards. The results of the audit and any changes made to a Contractor's Environmental Management System shall be included in the Contractor's annual reports.
5. A Contractor shall, in its annual reports and in the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52 demonstrate the continual and systematic assessment of the Environmental Management System and its improvement, including through the output of management reviews and audits under paragraphs 3 and 4.

Regulation 51 *[IWG ENV]*

[Assessment of] Compliance with Environmental Management and Monitoring obligations

1. The Commission shall review the data submitted by the Contractor [monthly/annually] pursuant to regulation X(2)[upon receipt].
2. [The Contractor shall review the implementation of the Environmental Management and Monitoring Plan [on a regular basis]. Such review shall include:
 - (a) The efficacy, timeliness, relevance and accuracy of flow of information and data derived from monitoring the Exploitation activities and its impacts on the Marine Environment, and Impact Area, [including the Mining Area]; and
 - (b) The accuracy of the findings of the Environmental Impact Assessment as set out in the Environmental Impact Statement.]
3. If the Commission considers that [the environmental] monitoring data submitted pursuant to regulation X(2), or its quality, indicates that the Contractor does not meet its obligations, the Commission shall refer the matter to the Compliance Committee without undue delay. The Secretary-General shall notify the

Contractor, the Sponsoring State, and the Council that the matter has been referred.

4. Where, as the result of the review by the Commission under Regulation 52 paragraph 7, the Commission concludes that a Contractor has failed to comply with [the terms and conditions of][any commitment in] its Environmental Management and Monitoring Plan, the Commission shall refer the matter to the Compliance Committee. The Secretary-General will notify the Contractor, Sponsoring State and Council that the matter has been referred.
5. The Compliance Committee shall assess any matter referred to it under this Regulation paragraph 4 and 5 and take any necessary actions consistent with regulation 102 and 103. [This may include:
 - a. Requesting the Commission to provide further information as to the facts and circumstances giving rise to the referral of this matter;
 - b. Convening, with the support of the Secretary-General, a process to liaise with the Contractor [and to agree any corrective and timebound action];
 - c. Exercising the powers conferred upon the Committee under paragraph 1 of Regulation 103; or,
 - d. Inviting the Council's attention to the matter.]

Regulation 52 [IWG ENV]

Performance assessments of the Environmental Management and Monitoring Plan

1. [In addition to the continual internal assessment required pursuant to regulation 50(4), a][A] Contractor shall [also periodically] conduct [or commission a formal] performance assessments of its Environmental Management and Monitoring Plan, [in accordance with this Regulation[, the applicable Standard and taking into consideration the applicable Guideline]]. In conducting such a performance assessment of the Environmental Management and Monitoring Plan, the Contractor shall [, using an Independent Auditor,] assess:
 - (a) The continued appropriateness and adequacy of the plan, including the management conditions and actions attaching thereto;
 - (b) The conformity of the plan with [the objectives and] measures included in the applicable Regional Environmental Management Plan [including any revisions or updates to the Regional Environmental Management Plan that may be adopted from time to time,];
 - (c) The accuracy of the findings of the Environmental Impact Assessment as set out in the Environmental Impact Statement[, upon which the Environmental Management and Monitoring Plan was based];
 - (d) That any relevant changes in knowledge, technology, mining patterns, monitoring techniques and detection capabilities, [that were not taken into account in developing or previously updating the Environmental Management and Monitoring Plan which are relevant,] are reflected [according to Good Industry Practice, Best Available Techniques and Best Environmental Practices];
 - (e) The reports of the Environmental Management and Monitoring Plan, as well as the comments and evaluation from the Commission to the reports in accordance with Regulation 48 above, and any comments received by the [Commission/Compliance Committee] in accordance with Regulation 51.
2. The frequency of a performance assessment shall be in accordance with the period specified in the approved Environmental Management and Monitoring Plan and shall occur at least every 24 months.

3. An [additional] ad hoc performance assessment [under this Regulation] may [also] be requested by the [Compliance Committee] following:
 - (a) An Incident [or Notifiable Event];
 - (b) Issuance of a compliance notice under Regulation 103; or
 - (c) When deemed necessary by the [Committee] following investigation into third- party information submitted to the [Authority] or following investigation into matters referred by the Commission under regulation 51[that results in sufficient evidence to suggest a breach of compliance has occurred].
4. A Contractor shall submit the results of a performance assessment in a performance assessment report to the Secretary-General in accordance with, and in the format set out in, the applicable Standards and taking into consideration Guidelines[, and shall, as a minimum contain the following information
 - (a) information regarding the period applicable to the performance assessment;
 - (b) the scope of the assessment;
 - (c) the procedure used for the assessment;
 - (d) the evaluation criteria used during the assessment.]
5. [Before submission of the performance assessment report, the Contractor shall conduct a consultation on a draft performance assessment report in accordance with Regulation 93bis.]
6. The Commission shall review the performance assessment report in accordance with the applicable Standard and taking account of the Guidelines. [within 60 Days of receipt of such report and comments]. The Commission may, where necessary and appropriate, consult external competent, independent experts in its review of the performance assessment.
7. Where the Commission upon review of the report, considers the performance assessment to be unsatisfactory or the report submitted to be inadequate, the Commission may, after providing the Contractor with a reasonable opportunity to address any inadequacies, require the Contractor to:
 - (a) Submit any relevant supporting documentation or information requested by the Commission including a revised report; or
 - (b) Appoint, at the cost of the Contractor, an independent competent person to conduct the whole or part of the performance assessment and to compile a report for submission to the Secretary-General and review by the Commission.
8. [Where, as a result of paragraph 7 above, a revised assessment and report is produced, a new consultation in accordance with Regulation 93 bis shall be conducted on the revised assessment.]
9. Where, as the result of a review by the Commission under paragraph 6 above, the Commission concludes that the Environmental Management and Monitoring Plan is determined to be inadequate in any material respect, the Commission shall require the Contractor to deliver a revised Environmental Management and Monitoring Plan, taking into account the findings and recommendations of the Commission. A revised plan shall be [treated the same way as a modification of a Plan of Work pursuant to Regulation 57 mutatis mutandis].
10. The Commission shall report annually to the Council on performance assessments [conducted pursuant to this Regulation,] and any action taken pursuant to paragraphs 6 to 9. Such report shall include any relevant recommendations for the Council's consideration, [and] shall be published on the Authority's website.

5. Please indicate the rationale for the proposal

The proposal is sent by Norway, as the facilitator of the intersessional working group on Environmental Management and Monitoring. The text is not officially supported by each member of the group, but as facilitator, Norway believes this text accurately reflect where the group are in the considerations of the Regulations on Environmental Management and Monitoring.

The group decided to work on the basis of the joint textual proposal uploaded to the ISA website during the second session of the 29th Council meeting. The group is in agreement that further work is needed on the text, and that this submission does not accurately reflect the views of the members of the group on some substantive issues. The purpose of this exercise has been to streamline the text, and the text herein may be revised, and omitted text re-instated, at a later stage. To this effect, the group welcomes the view of the Council and proposals for further amendments, both from members of the working group and other interested parties.

Due to time-constraints, the group did not finish a second read-through of Section 3, reaching only Regulation 51 paragraph 1.

Some of the issues that are left in brackets are cross-cutting and requires a more in-depth discussion by Council. These include, but are not limited to:

- **Exploitation Contract or Plan of Work.** The group understood the Plan of Work to be part of the Exploitation Contract, but without a clearer distinction of where the different obligations will be placed, the group decided to use the wording “Exploitation Contract with its schedules” for now and welcomes further discussion on the topic.
- **Environmental performance standards.** This phrase is used throughout the Regulations, but it is not a defined term. Is this referring to a specific standard, all standards set out anywhere in the Regulations or Standards, or something else? The group invites Council to clarify this.
- **Relation to Regulation 57.** The Contractor is obliged to continually improve and keep current its Environmental Management and Monitoring Plan and Environmental Management System. The scope of Regulation 57 as it currently stands implies that a change is either a Material Change or an omission, errors or other defects. There may need to be a process for changes that do not amount to Material Changes, but are more than omissions, errors or defects. Language in the Section may need to be amended subject to amendments to Regulation 57.
- **Institutional.** The group questions whether the LTC, as it is currently rigged, is able to perform all the obligations tasked to it under these obligations. This is particularly clear when it comes to the frequency of review of data. There are proposals to review data monthly or upon receipt, while the LTC is not a permanent body able to perform such tasks. The group welcomes a discussion on how the organisation will be rigged for performing the tasks relating to the environmental management and monitoring relating to exploitation. Furthermore, a view was raised that as the Performance Assessment shall assess the compliance of the Exploitation activities with the Environmental Management and Monitoring Plan, the Compliance Committee should review the Performance Assessments, but the LTC should review them first and make recommendations to the Compliance Committee to inform their review. This is instead of just the LTC reviewing the Performance Assessments. The group invites Council to consider this.

Regulation 49

This regulation provides an overarching description of the environmental management and monitoring obligations.

Paragraph 1

Paragraph 1 contains the general monitoring and management obligations, and that management and monitoring should be split into separate paragraphs following the 1st.

There is a distinction between “continuous” and “continual”. Continual means repeated but with breaks in between, while continuous means without interruption. Some monitoring and management would be continuous, and some would be continual. Whether to use “continuous” or “continual”, or whether the term could be dropped in the text, and that this could be dealt with in guidelines is still to be decided. If the latter option is chosen, Standards or Guidelines on the matter need to be developed. The terms are therefore also left in brackets in other parts of these regulations.

There needs to be an in-depth discussion on the distinction of Environmental Impacts and Environmental Effects, and therefore what term would be accurate here. While all agreed that Environmental Effects needed to be included, there was still some uncertainty on Environmental Impacts. The latter is therefore left in brackets. This is done throughout these regulations.

There was still some uncertainty on the meaning of the work “risk”, and the inclusion was left in square brackets. This is done throughout the regulations.

Paragraph 2

This paragraph sets out the general monitoring obligations.

The group was undecided as to whether the purpose of the monitoring was to determine whether the activities were having “harmful effects on” or to avoid “risk of serious harm to” the marine environment. Both options were left in the text.

The group discussed whether the last sentence of the paragraph beginning “Such monitoring shall include...” could be moved to a Standard. This should be assessed in the further development of Standards.

Paragraph 3

Paragraph three sets out the timeframe for monitoring obligations.

Paragraph 4

Paragraph 4 sets out the management obligations. If threshold values were included in Standards, the reference to them could be deleted here. The text is left in brackets pending the outcome of the threshold values group and development of Standards. This is done throughout these regulations.

Noting that predictions of the Environmental Impact Statement would be covered by the Plan of Work, some delegations preferred to keep an explicit reference in with the wording “including”. Text referencing the Environmental Impact Statement is therefore included in brackets.

Paragraph 5

Paragraph 5 sets out the obligation of the Contractor if the Contractor identifies any harmful effects that breach the contractual obligations. Whether such breach shall be considered as a Notifiable Event or an Incident can not be determined in this Regulation. The suitable reaction is determined by the regulations 33 and 34, ref. the schedule.

Regulation 50

Paragraph 1

The first paragraph sets out the purpose of the Environmental Management and Monitoring Plan. The group noted that there was a distinction between the purpose of the monitoring and management, and the Environmental Monitoring and Management Plan, but that these are inextricably linked. The plan itself is a document and does not generate an outcome. It is the managing and monitoring under the plan that has this effect. Therefore, the purpose is linked to the management and monitoring obligations in Regulation 49.

Paragraph 2

There are two alternatives to paragraph 2. While most expressed a preference for using Alt. 2, due to time constraints, the group was not able to make a decision on the matter, so both options are left in the text.

The understanding of paragraph 2 is that the Contractor is obliged to adhere to environmental policy and objectives, while also setting project specific objectives. The paragraph gives further detail of the content of the Environmental Management and Monitoring Plan.

As there is no agreement on the inclusion of Regulation 44ter, the reference is kept in brackets. The group also understood that other policies and objectives could be developed by the Authority, and the text is meant to futureproof for these as well.

Paragraph 3

The group decided to leave the text referring to Stakeholder consultations in brackets pending further discussion on Regulations 93bis and 93ter. It was also suggested that a reference to Regulation 11 might be more appropriate.

Paragraph 4

The paragraph sets out an obligation to continually assess and improve the Environmental Management and Monitoring Plan. The reference to Regulation 57 is kept in brackets, ref. cross-cutting issue identified above.

Regulation X

This Regulation has been separated out from Regulation 50, so that regulation on the Environmental Management and Monitoring Plan have been separated from the reporting obligations of the results of the implementation.

Paragraph 1

The paragraph sets out the reporting obligations on the Environmental Management and Monitoring Plan.

Paragraph 2

The paragraph sets out the data submission obligations. The group discussed the frequency and quality of such reporting. These are matters that may vary depending on the data. Therefore, the group believed that the exact frequency and quality would be better suited in Environmental Management and Monitoring Plan, or Standards and guidelines. No specifications are therefore made in the Regulation, except “at required intervals”, alluding that such intervals will be required elsewhere.

Paragraph 3

The paragraph sets out the Secretary General’s obligation to publish data, information and reports.

Regulation 51bis

Paragraph 1

The paragraph sets out the obligation to have, maintain and continuously improve an Environmental Management System, and its purpose. Due to time-constraints, the group did not have time to decide whether “managing” or “controlling” would be the right wording here, so both options are left in brackets. The group had a conceptual discussion on the Environmental Management System and agreed that the Environmental Management System is a system in the organisation of the Contractor that has the purpose of delivering on the environmental obligations. While the Environmental Management and Monitoring Plan is project specific, the Environmental Management System is general for the company.

Paragraph 2

The group agreed that the Environmental Management System should be detailed in the Environmental Management and Monitoring Plan. In this way, a change to the Environmental Management System would lead to a change in the Environmental Management and Monitoring Plan, triggering the same obligations relating to change.

Paragraph 3

The paragraph sets out the Contractor’s internal assessment obligations for the Environmental Management System. The group was divided in the view of whether the Contractor should “assess and maintain the currency and adequacy” of the system or if it should be “subject to continual and systematic improvement”. Due to time constraints, the group did not discuss this further.

The wording “through frequent” could be deleted if the frequency of management review was set out elsewhere, e.g. Standards or in the Environmental Management and Monitoring Plan. The text is therefore left in brackets.

Paragraph 4

The paragraph sets out the obligations for external review of the Environmental Management System. The result of such audits should be included in the annual review.

Paragraph 5

The paragraph sets out the Contractor's obligation to include updates to the Environmental Management System in the annual report and performance assessment. Depending on the outcome of the cross-cutting issue of the relation to Regulation 57, the group may want to retain the following text in the paragraph in light of any relevant changes to Regulation 57:

A proposed change to a Contractor's Environmental Management System shall be treated the same as a modification of a Plan of Work, pursuant to Regulation 57.

Therefore can the strike-through text please be retained in strike-through in the new consolidated text, and not deleted.

Regulation 51

There has been a proposal for a change of the title. The group was divided on whether to include the change or keep the original title.

Paragraph 1

The paragraph sets out the LTC's obligation to review the data received by the Contractor. The frequency is dependent on the outcome of the discussions on the cross-cutting issues above.

Paragraph 2

The paragraph sets out the Contractor's review of its own implementation. The group discussed whether the Contractor's obligations to review itself should be set out in a different Regulation than external review, e.g. in Regulation 49 or X. Due to time constraints, the group could not decide on the best placement, and the Regulation is therefore left in brackets.

Paragraph 3

The paragraph regulates what happens if the Contractor's data indicates that the Contractor is not in compliance with its obligations. It was pointed out that there is currently no regulation on third party review of the accuracy of the data reported by the Contractor to the Commission, and the data actually received by the Contractor.

Paragraph 4

The paragraph regulates what happens if the Commission discovers non-compliance through its review of the performance assessment report.

Paragraph 5

The paragraph regulates the assessment made by the Compliance Committee of matters referred to it under paragraph 4 and 5. The text in litra (a)-(b) is placed in brackets, as this may already be covered under Regulation 102 and 103. If kept, the language needs to be updated to accurately reflect Regulation 102 and 103.

Regulation 52

Paragraph 1

The paragraph sets out the general obligation to conduct a performance assessment. The group was undecided whether this assessment should be performed by the Contractor or an independent

auditor. If performed by the Contractor, there were questions in the group about the differences between 52 (1) and 50 (4).

Paragraph 2

The paragraph sets out the frequency of the performance assessment.

Paragraph 3

The paragraph sets out when an ad hoc performance assessment may be required.

Paragraph 4

The paragraph sets out the obligations of the Contractor to submit a performance assessment report to the Secretary General.

Paragraph 5

The paragraph sets out obligation to consult on performance assessment reports. The group discussed whether such a review would send the Contractor into a continuous loop of consultation, due to the frequency of the report. The paragraph is therefore left in brackets.

Paragraph 6

The paragraph regulates the Commissions review of the performance assessment report.

Paragraph 7

The paragraph sets out the steps the commission may take if the performance assessment is unsatisfactory or the report inadequate.

Paragraph 8

The paragraph sets out the obligation of an additional consultation if a revised assessment report is produced.

Paragraph 9

The paragraph sets out the Commissions right to require a revised Environmental Management and Monitoring Plan.

Paragraph 10

The paragraph sets out the Commissions obligation to report on the performance assessment to the Council.