

Textual proposal for consideration of the intersessional working group on REMPs

The text in black and in track changes reflect the formulation as currently in the consolidated text.

The proposed textual changes for consideration of the intersessional working group are in blue.

Regulation 12

Rules for considering applications

3. The Commission shall, in considering a proposed Plan of Work, apply the Convention, the Agreement, and the rules, regulations and procedures of the Authority **and the applicable Regional Environmental Management Plan, and shall do so** in a uniform and non-discriminatory manner. **The Commission** may not recommend approval of a Plan of Work that does not comply with these requirements.

4. In considering the proposed Plan of Work, the Commission shall take ~~5~~into account:

~~[(d) any objectives or measures established in the relevant Regional Environmental Management Plan.]~~

Regulation 15

Commission's recommendation for the approval or disapproval of a Plan of Work

1. If the Commission determines that the application and the applicant meet the criteria set out in Regulation 13, it shall recommend approval of the Plan of Work to the Council.

[1. Alt. The Commission may recommend approval of a proposed Plan of Work if the Plan of Work complies with all requirements stipulated in Regulation 13, and the Commission has sufficient information to determine that all requirements in Regulation 13 have been met.]

1. bis. The Commission shall provide with any recommendation for approval made under paragraph 1:

(a) a report in accordance with Regulation 11(5);

(b) a summary of the deliberations of the Commission including what inputs have been taken into account and how these have been assessed, as well as divergences of opinion in the Commission, if any;

(c) bis a summary of any uncertainties inherent in the Plan of Work and how the applicant has proposed to address these;

(d) any conditions the Commission considers appropriate to deal with adverse effects of the proposed activities; and

(e) the terms and conditions as referred to in Regulation 15bis.

Regulation 15bis

Terms and conditions of an Exploitation Contract

1. The Commission may provide with any recommendation of approval of a proposed Plan of Work as referred to in Regulation 15, terms and conditions specific to the Plan of Work under approval, pursuant to which the contractor shall carry out the Exploitation [activities].
2. The terms and conditions which the Commission may provide with its recommendation of approval of a Plan of Work, shall not exceed the scope of the rules, regulations or procedures of the Authority. These terms and conditions may include, but are not limited to:
 - a. the area covered by an application, referred to in Regulation 8;
 - b. seasonal or temporal restrictions[, as determined in the relevant Regional Environmental Management Plan];
 - c. [..]
2. ALT. The terms and conditions which the Commission may provide with its recommendation of approval of a Plan of Work shall not exceed the scope of, and take into account the substance of, the rules, regulations and procedures of the Authority, and the applicable Regional Environmental Management Plan.
3. If any of the terms and conditions which the Commission wishes to provide with its recommendation of approval of a Plan of Work differ from the content of the proposed Plan of Work, the Commission may request the Secretary-General to inform the applicant, and if necessary the Commission shall follow the procedure in Regulation 14 prior to submitting its recommendation to the Council.

Regulation 16

Consideration and approval of Plans of Work

1. The Council shall consider the reports, ~~and~~ recommendations ~~and the terms and conditions of provided by~~ the Commission and any other relevant subsidiary body established in accordance with the Convention and the Agreement, relating to approval of Plans of Work in accordance with paragraph 11 and paragraph 12 of Section 3 of the Annex to the Agreement, after due consideration, and within 60 Days unless the Council decides to provide for a longer period, the Council shall approve or disapprove the Plan of Work.

[2. If the Council does not take a decision on a recommendation for approval of a Plan of Work within 60 Days or such other time period as has been established by the Council, the Plan of Work shall be deemed to have been approved by the Council at the end of that period.]

3. The Council shall approve or disapprove the terms and conditions recommended by the Commission as referred to in Regulation 15bis, in accordance with the procedures as set out in paragraphs 1 and 2 of this Regulation. If the Council approves these terms and conditions, it shall request the Secretary-General to prepare an Exploitation Contract incorporating the terms and conditions as approved by Council.

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Regulation 17

The Exploitation Contract

1. [After the] [] Council's approval of a Plan of Work, [and upon Council's request], the Secretary-General shall prepare an Exploitation Contract between the Authority and the applicant in the form prescribed in Annex IX to these Regulations.

1bis. The Secretary-General shall include the terms and conditions as approved by the Council in accordance with Regulation 16, paragraph 3, in the Exploitation Contract.

2. The Exploitation Contract shall be signed on behalf of the Authority by the Secretary-General or duly authorized representative. The Designated Representative or the authority designated under Regulation 5 (2) shall sign the Exploitation Contract on behalf of the applicant. The Secretary-General shall notify all members of the Authority in writing of the conclusion of each Exploitation Contract.

3. The Exploitation Contract and its schedules is a public document, and shall be published [by the Secretariat] within 7 Days in the Seabed Mining Register, except for Confidential Information, which shall be redacted.

Regulation 44 bis [IWG ENV]

Regional Environmental Management Plans

1. The Council may request the Commission to prepare a Regional Environmental Management Plan for the [regional] areas where activities in the Area are likely to take place, for consideration and adoption by the Council.

2. ~~4~~The Commission shall only consider an application for a Plan of Work if a Regional Environmental Management Plan has been adopted by the Council for the particular area and type of resource concerned [in line with the Council approved procedures and template].

3. ~~2~~In the event that an application for a Plan of Work is submitted for an area where no such Regional Environmental Management Plan exists, the drafting of a Regional Environmental Management Plan applicable to the area in concern shall be prioritised and adopted without any undue delay, taking into account Section 2, Article b and c of the Agreement].

4. A Regional Environmental Management Plan may include at least the following elements [ALT: but is not limited to]:

- (a) Goals and objectives;
- (b) Geographical scope;
- (c) Regional setting;
- (d) Management measures;
- (e) Regional Monitoring; and,
- (f) [..]

Annex IX

The Schedules to the Exploitation Contract

Schedule 15

Terms and conditions of an Exploitation Contract

[..]

[ALT: Annex X

Standard clauses for Exploitation Contract

Section 3bis

Terms and conditions of an Exploitation Contract

[..]