

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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 of the Whole.

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd and Blue Minerals Jamaica Ltd.

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

Annex I, Section III 20(bis).

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.

~~20. bis. Identify the in-service and planned submarine cables and pipelines in, or adjacent to, the area under application; and provide documentary proof of the measures agreed between the applicant and the operators of the cables and pipelines to reduce the risk of damage to the in-service and planned submarine cables and pipelines.~~

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

- We oppose the proposed inclusion of Annex I, Section III 20(bis).
- We consider that Annex I, Section III 20(bis) (as proposed) is not consistent with Article 147 of the Convention and imposes obligations on Contractors that exceed the principle of equal "reasonable regard" for other activities in the Area.
- We consider that this matter is appropriately covered by Article 147 of the Convention, and there is limited utility in re-stating Article 147 in the Draft Regulations. However, should the working group consider it necessary to retain some wording, we propose the following wording:

Contractors shall carry out Activities in the Area with reasonable regard for other activities in the marine environment, including known in service and planned submarine cables and pipelines.

- We consider that our proposed wording reflects the obligations on Contractors under Article 147 of the Convention, and captures the sentiment intended by Annex I, Section III 20(bis), which is to highlight obligations owed to owners of submarine cables and pipelines.
- We also consider that a more appropriate location for these considerations would be the Standards and/or Guidelines, rather than the Draft Regulations.