

**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.

Draft Reg 25(1).

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.

At least 12 months prior to the proposed commencement of production in a Mining Area or at the time of submitting an application for a Plan of Work, the Contractor shall provide to the ~~{Secretary-General}{Commission}~~ a Feasibility Study prepared in accordance with Good Industry Practice, taking into account the Guidelines ~~{as well as the results of the test mining study pursuant to Regulation [48bis], paragraph 2 or 3, as applicable, and in accordance with Annex [IV ter]}~~. In the light of the Feasibility Study ~~{and the test mining study}~~, ~~{the Secretary-General shall consider whether any Material Change needs to be made to the Plan of Work in accordance with regulation 57 (2). If he or she determines that any such Material Change needs to be made, the Contractor shall prepare and submit to the Secretary General a revised Plan of Work accordingly}~~ the Secretary-General shall consider whether any Material Change needs to be made to the Plan of Work in accordance with regulation 57 (2). If he or she determines that any such Material Change needs to be made, the Contractor shall prepare and submit to the Secretary-General a revised Plan of Work accordingly.~~{If the Secretary-General considers any Material Change needs to be made to the Plan of Work, he or she shall submit this matter to the Commission. If the Commission determines as such, the Contractor shall prepare and submit to the Commission a revised Plan of Work accordingly}~~.

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

- We oppose the proposed amendments to Draft Regulation 25(1), with the exception of the additional text concerning test mining, as the proposed amendments are inconsistent with other key provisions of the Draft Regulations

concerning the assessment of a Plan of Work and the determination of a Material Change.

- We support the previous text, which we have modified as a result of the inclusion of a requirement for test mining and the preparation of a test mining study.
- Pursuant to Draft Regulation 57(2), it is the Secretary-General that determines whether a modification to a Plan of Work constitutes a Material Change. We consider that a consistent approach should be adopted in Draft Regulation 25(1), and that the Secretary-General should also make such a determination. This consistent approach will limit divergences in practice and provide for a more streamlined administration of the Regulations.
- We have also proposed a slight addition to the existing text to make it clear that a Feasibility Study may also be submitted at the time of submitting an application for a Plan of Work.