

**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 28(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.

The Contractor ~~{shall}~~ *{will make best efforts to}* maintain Commercial Production in accordance with the exploitation contract and the Plan of Work annexed thereto and these regulations, ~~{and market conditions}~~. A Contractor shall, consistent with Good Industry Practice, manage the recovery of the Minerals removed from the Mining Area at rates contemplated in the Feasibility Study.

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

- We support the proposed amendments to Draft Regulation 28(1).
- We consider that it is not best practice to obligate Contractors to maintain Commercial Production in accordance with the exploitation contract, as Commercial Production rates can be impacted by many factors.
- Further, the inclusion of market conditions in the considerations more accurately reflects the commercial nature of exploitation activities.
- We consider that the proposed amendments clarify that Contractors are obligated to use best efforts to maintain Commercial Production and should be adopted.

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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 28(3).

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.

Notwithstanding paragraph 1 above, the Contractor shall ~~temporarily~~ ~~immediately~~ ~~reduce or~~ ~~reduce or~~ suspend production whenever such reduction or suspension is required to protect the Marine Environment from ~~Serious Harm or a threat of Serious Harm~~ or to protect human health and safety ~~to protect the Marine Environment from Serious Harm or a threat of Serious Harm, to protect human health and safety or to protect human remains, objects or sites of archaeological or historical nature.~~ ~~upon the receipt of emergency order pursuant to regulation 4(4) or on the Contractor's own decision that maintaining the level of production would result in Serious Harm or a threat of Serious Harm.~~ A Contractor shall notify the Secretary-General ~~and the Sponsoring State or States~~ ~~States~~ of such a reduction or suspension of production as soon as is practicable and no later than ~~72~~ ~~24~~ hours after production is ~~reduced or~~ suspended.

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

- We support the above proposed amendments to Draft Regulation 28(3) provided that the words "reduce or" are re-inserted.
- The proposed amendments have expanded the scope of Draft Regulation 28(3) to include "a threat of Serious Harm". We consider that it is appropriate that options are available to either reduce or suspend Commercial Production in response to the specific circumstances that may arise.

- We consider that mandating that Commercial Production be suspended, particularly where the scope of Draft Regulation 28(3) is expanded to include "*a threat of Serious Harm*", is not proportionate in all circumstances.