

**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 29(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.

In the event of any suspension in mining activities, the Contractor shall continue to monitor and manage the Mining Area in accordance with the Closure Plan. ~~[Where suspension continues for a period of more than 12 months, the Commission may require the Contractor to submit a final Closure Plan in accordance with regulation 60.]~~ Where the Contractor elects to suspend all production for ~~[more than]~~ five consecutive years ~~{or more}~~, the Council may terminate the exploitation contract following consultation and agreement with the Contractor, and the Contractor shall be required to implement the final Closure Plan. ~~[The contract can be terminated after five years of suspension]~~ if the contract is terminated under this Regulation on the condition that the Contractor is entitled to priority and preference in exploiting the same area for the same resource].

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

- We support the proposed amendments to Draft Regulation 29(3), provided the wording proposed above is adopted.
- We consider it critical that Contractor consultation is required prior to any termination pursuant to Draft Regulation 29(3).
- If the above proposed wording ("following consultation and agreement with the Contractor") is not accepted, we consider that the circumstances in which a

contract is permitted to be terminated should be set out in more detail or within an applicable Standard.

- We have proposed an additional amendment to Draft Regulation 29(3) to clarify that the same condition applies where a Contractor elects to suspend production for five years or more.

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1. Name of Working Group:

President's Text.

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 29(alt).

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.

~~*[1. In pursuance of regulation 2(2)(a) relating to the efficient conduct of activities, and the avoidance of unnecessary waste, and to ensure that the resources are being mined optimally in accordance with the Mining Work Plan, a Contractor shall, in accordance with Best Industry Practices:*~~

~~*(a) Avoid inefficient mining practices;*~~

~~*(b) Minimize the generation of waste in the conduct of exploitation in the Area*~~

~~*2. A Contractor shall include in its annual report under Regulation 40 such information and Reports as the Secretary General requests, in accordance with the Standards and Guidelines, to demonstrate that the Contractor is meeting the obligations in paragraph 1 above.*~~

~~*3. If the Secretary General becomes aware that Contractor is not meeting the obligations in paragraph 1 above, by way of written notice to the Contractor, request a review of mining and processing activities carried out under the Plan of Work. The Contractor shall implement any modifications to bring the Mining Workplan and any mining and processing practice into conformity with Best Industry Practices.*~~

~~*4. Members of the Authority shall, to the best of their abilities, assist the Secretary General through the provision of Data and information in connection with this regulation where processing, treatment and refining of ore from seabed mining occur under their jurisdiction and/or control.]*~~

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

- We oppose the proposed addition of Draft Regulation 29(alt).

- We consider that Draft Regulation 29 (*Reduction or suspension in production due to market conditions*) is not the appropriate section to include provisions concerning inefficient mining practices and the generation of waste.
- Draft Regulation 29 was intended to cover reduction or suspension in production due to market conditions.
- We consider that the types of concerns raised in Draft Regulation 29(alt) are sufficiently addressed in Draft Regulation 58(1)(c), which provides:

"At intervals not exceeding five years from the date of signature of the exploitation contract, or where, in the opinion of the Secretary-General, there have occurred any of the following events or changes of circumstance:

[...]

*(c) Recommendations **for improvement in procedures or practices** following an inspection report under regulation 100;*

(d) A performance assessment which requires action under regulation 52 (8);

[...]

*(f) **Changes in Best Available Techniques;***

[...]

*the Secretary-General may review with the Contractor the Contractor's activities under the Plan of Work, and shall **discuss whether any modifications to the Plan of Work are necessary or desirable.**" (emphasis added)*

- We therefore consider that the proposed addition of Draft Regulation 29(alt) is not necessary and should not replace the existing Draft Regulation 29. Any concerns such as avoiding inefficient mining practices and minimizing the generation of waste can be addressed in the Standards and/or Guidelines.