

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).*

- 1. Name of Working Group:** Council President's Text
  
- 2. Name(s) of Delegation(s) making the proposal:** Federated States of Micronesia
  
- 3. Please indicate the relevant provision to which the textual proposal refers.** Annex X (Standard clauses for exploitation contract)
  
- 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.**

**Section 7 Responsibility and liability**

7.1 The Contractor shall be liable to the Authority for the actual amount of any damage, including damage to the Marine Environment, arising out of its wrongful acts or omissions, and those of its employees, subcontractors, agents and all persons engaged in working or acting for them in the conduct of its operations under this Contract, including the costs of reasonable measures to prevent and limit damage to the Marine Environment, [arising out of its wrongful acts or omissions], account being taken of any contributory acts or omissions by the Authority or third parties. This clause survives the termination of the Contract and applies to all damage [arising out of the Contractors wrongful acts or omissions] regardless of whether it is caused or arises before, during or after the completion of the Exploitation activities or Contract term.

- 5. Please indicate the rationale for the proposal. [150-word limit]**  
If the references to "wrongful acts" are retained, then there should also be additional references to "omissions," in line with the text in line two of Section 7.1.