

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL – PART III**

*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:**

President's text

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

Japan

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

Regulation 95 para 4

**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.**

4. Guidelines are only of a recommendatory nature, ~~but Contractors shall ensure they are apprised of the Guidelines and take them into account in their performance of functions under these regulations and their contract. The observance of a Guideline by a Contractor may serve as supporting evidence of compliance by that Contractor with the relevant Rules of the Authority to which the Guideline relates. The Authority may also request applicants or Contractors to identify and explain departures from Guidelines].~~ **[yet Contractors shall ensure they are apprised of the Guidelines and take them into account in their performance of functions under these regulations and their contract.**

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

Through the discussions so far, we understand that Standards provided for in regulation 94 require adoption by the Council and are legally binding, while Guidelines provided for in regulation 95 are only of a recommendatory nature, to be developed by LTC, other subsidiary organs of the Authority or SG. However, the second and third sentences, which treat the observance of a Guideline by a Contractor as supporting evidence of compliance by that Contractor and allow the Authority to request explanation from Contractors, go beyond the above-mentioned nature of Guidelines. For this reason, we suggest the deletion of the second and third sentences.