

**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:**

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.**

Annex I, Section I, Paras. 13, 13.bis and 13.ter

**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.**

13. If the applicant is a juridical person:

- (a) Identify applicant's place of registration;
- (b) Identify applicant's principal place of business/domicile; and
- (c) Attach a copy of applicant's certificate of registration.

~~[(d) To the extent the information is not considered to be confidential or commercially sensitive, identify the identities and locations of the applicant's:~~

- ~~(i) management including any members of its board of directors;~~
- ~~(ii) ownership, including any persons or entities holding 5 percent or more of the applicant's equity, if different from the place of registration/domicile, for example in the case the the applicant is a subsidiary of a parent company located in a different jurisdiction and~~
- ~~(iii) an organisational chart of the group structure.}]~~
- ~~(vi) holding, subsidiaries, affiliated and Ultimate Parent companies, agencies and partnerships at the time of application}]~~

~~[13.ter. Provide any additional information to assist determine the nationality of the applicant, or by whose nationals the applicant is effectively controlled.]~~

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

- We propose amendments to paragraph 13(d) to ensure that confidential and commercially sensitive information can be protected.

- We also propose to delete the new paragraph 13.ter as it is unnecessary given that nationality is based on the place of incorporation location of the registered (which is already disclosed as part of the application).

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Annex I, Section I, Para. 15.ter

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~~[15.ter. A description of the Contractors and the Sponsoring States (or States) compliance enforcement strategies, and how these align with the Rules of the Authority.]~~

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

- We propose deleting paragraph 15.ter as it is unclear and unnecessary.
- It is not clear what a "compliance enforcement strategy" is in this context.
- Further, domestic regulatory requirements are already captured by paragraph 15.bis.

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Annex I, Section III, Para. 20.bis

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20. bis. To the extent possible and with the assistance of the Secretariat in obtaining relevant information and agreement from member States and other relevant entities:

(a) ~~Identify~~ the in-service and planned submarine cables and pipelines in, or adjacent to, the area under application (to the extent such information is publicly available) and

(b) ~~and~~ provide documentary proof of the measures agreed between the applicant and the operators of the identified cables and pipelines to reduce the risk of damage to the in-service and planned submarine cables and pipelines, or that the applicant will undertake in the absence of an agreement

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

- We are concerned that applicants may not be able to provide the information specified in paragraph 20 bis without the assistance of relevant member States and other owners of subsea cables and pipelines. As such, we have proposed the above written amendments to ensure this paragraph can be effectively complied with.
- First, the requirement should be subject to the Secretariat assisting applicants to obtain the requisite information from member States and relevant owners.

- Second, the identification requirement should be limited to publicly available information to ensure there are no confidentiality arrangements that may prevent an applicant from providing this information.
- Third, the Secretariat should also assist applicants in obtaining operators' agreement to the measures that the applicant will put in place to reduce the risk of damage. Where such agreement cannot be reached, this may not be due to any fault on the part of the applicant. In such cases, the applicant should only be required to specify what measures it will take to guard against these risks.

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Annex I, Section III, Para. 20.ter

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{20.ter. To the extent available, ~~P~~provide evidence that the applicant has demonstrated a satisfactory record of past operational performance and compliance, both within the Area and, where applicable, in other States' jurisdiction}.

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

- We propose amending paragraph 20.ter to accommodate applicants that may not have past operational performance to directly draw on.

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Annex I, Section IV, Para. 22

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22. If, subject to regulation 22, an applicant seeking approval of a Plan of Work intends to finance the proposed Plan of Work by borrowing, attach details of the amount of such borrowing, the repayment period and the interest rate, together with the terms and conditions of any security, charge, mortgage or pledge made or provided or intended to be made or provided or imposed by any financial institution in respect of such borrowing ~~[and the predicted debt-to-equity ratio].~~

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

- We propose deleting the suggested reference to debt-to-equity level as this is not a relevant consideration for the Authority's evaluation of an application for a Plan of Work.
- Requiring this could force disclosure of commercially sensitive information without any benefit to the Authority.

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Annex I, Section VI, Para. 25

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25. Where the applicant or, in the case of an application by a partnership or consortium of entities in a joint arrangement, any member of the partnership or consortium has previously been awarded any contract with the Authority, attach:

(a) The date of the previous contract or contracts;

~~(b) The dates, reference numbers and titles of each report submitted to the Authority in connection with the contract or contractors;~~

(c) The date of termination of the contract or contracts, if applicable;

~~(d) [The final report on the results of exploration and baseline investigations, including results of testing equipment and operations in the exploration area.]~~

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

- We do not consider that sub-paragraphs (b) and (d) are necessary given that the Authority will already have this information.