

**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:**

IWG – Institutional matters

**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 Regulation 6(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.**

3. Each certificate of sponsorship shall be duly signed on behalf of the State by which it is submitted, and shall contain:

(a) The name, address and contact details of the applicant;

(b) The name of the sponsoring State ~~or States~~;

(c) A statement ~~and supporting evidence such as a passport, citizenship certificate, certificate of incorporation or other evidence of registration or nationality~~ that the applicant is: *[Facilitators’ note: the red text, a new proposal from Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd, may need to be removed or relocated, given other delegates’ proposals to delete the preceding wording (with the rationale that the certificate of sponsorship is not the correct place to require such evidence). The point to give examples of relevant evidence may be better located in regulation 7 (form and content of applications). What constitutes such examples may also need to be reconsidered, depending on the definition of Effective Control to be agreed by the Council].*

(i) A national of the sponsoring State; or

(ii) Subject to the effective control of the sponsoring State or its nationals;

(d) A statement by the sponsoring State that it sponsors the applicant;

~~(d) bis. A copy or description of the necessary and appropriate measures taken by the State to secure effective compliance pursuant to article 139(2) of the Convention, and to ensure legal recourse for compensation in accordance with article 235 (2) of the Convention. [Facilitators’ note: it has been suggested that~~

~~*this regulation 6(3)(d)bis requirement would be better located in regulation 7, relating to the form and content of applications for a Plan of Work.*~~

[(e) The date of deposit by the sponsoring State of its instrument of ratification of, or accession or succession to, the Convention, and the date on which it consented to be bound by the Agreement; and]

[(f) A declaration that the sponsoring State assumes responsibility in accordance with articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention]

*[Facilitators' note: there are conflicting suggestions to delete sub-paragraphs (e) and (f) on the basis they are unnecessary, and to keep them on the basis of consistency with the Exploration Regulations].*

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

- We consider that where an applicant has multiple Sponsoring States, each State should provide their own Certificate of Sponsorship. As such, Draft Regulation 6(3)(b) should not refer to multiple “States”. Each Sponsoring State is likely to have its own form and legal requirements in relation to the Certificate of Sponsorships it issues. There is no need to combine multiple States on one Certificate given the potential conflicts this could create between relevant domestic requirements.
- In relation to Draft Regulation 6(3)(c), if the reference to “supporting evidence” is deleted, we agree with the proposal to also remove the examples of such evidence and merely require a statement by the Sponsoring State regarding the applicant’s qualification for sponsorship.
- In relation to Draft Regulation 6(3)(d)bis we support moving this sub-paragraph to streamline the Certificate of Sponsorship. We agree this would be more appropriately placed in Draft Regulation 7 given the detail it envisages being provided.
- We support retaining Draft Regulation 6(3)(e) and (f), however can be flexible if others wish to streamline this provision.