

**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 8

**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. Each application for approval of a Plan of Work shall define the boundaries of the area under application, by a list of geographical coordinates in accordance with ~~{alt 1. Annex 1 to these regulations} [alt 2. the World Geodetic System 84] [alt 3. the most recent applicable international standard used by the Authority].~~

2. The area under application need not be contiguous and shall be defined in the application in the form of blocks comprising one or more cells of a grid, as provided by the Authority.

3. The area under application shall be ~~an area previously subject to an exploration contract~~ or an area ~~for which {adequate and satisfactory} environmental baseline data is publicly available.~~

~~[4. The area under application must be covered by a relevant Regional Environmental Management Plan pursuant to regulation 44bis.]~~

~~[5. In the application, the applicant shall provide an overview of other potential legitimate activities in the marine environment covered by the application, and a statement confirming whether the area under application or any part of it has received attention under any other international organisation or treaty regime.]~~

~~5 alt. For any part of the area under application, to the extent practicable after reasonable investigations, the applicant shall indicate in the application, whether it is designated or managed under any international regime or international organization. The applicant will also indicate that it is aware of its obligation of reasonable regard to other activities in the Area in accordance with Article 147.~~

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

- We consider that the system for designating the boundaries of contract areas would be best regulated by international standards used by the Authority. We consider that the Draft Regulations should avoid referring to specific documents, standards (other than the Standards developed by the Authority) or international agreements, given this runs the risk that they will become out of date or inappropriate if those other instruments change. As such we prefer alternative 3 in Draft Regulation 8(1).
- In relation to Draft Regulation 8(3), we consider that the regulations should allow for applications for areas even if they have not explicitly been subject to an exploration contract as long as the applicant can demonstrate they have sufficient environmental baseline data to support their application. This is also important given the 1994 Agreement does contemplate single applications covering both exploration and exploitation phases (see Section 8(3) of the Annex).
- We remain of the view that Draft Regulation 8(4) is duplicative as areas for exploitation will already need to be covered by a Regional Environmental Management Plan. As such there is no need to repeat this requirement here.
- We also still consider that Draft Regulation 8(5) remains very unclear and ambiguous. The threshold it sets is potentially very low and would seemingly require Contractors to survey all other international organisations and treaty regimes to determine if the area they are applying “has received attention”. It is also unclear what it means for the area to have “received attention”.
- We consider that the proposed Draft Regulation 8(5 alt) is an improvement on the original paragraph 5 and could replace it. However, we propose to delete the final sentence of the paragraph as it is unnecessary and unclear what value it would be to the Authority for applicants to “indicate” their “awareness” of obligations.