

**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 86(2)

**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.**

2. If the administrative costs incurred by the Authority in processing an application, ~~which may include the costs of recruiting competent independent experts,~~ are less than the ~~{alt 1-amount paid in accordance with paragraph 1}{alt 2- amount specified by the Council}{alt 3- fixed amount in appendix II}~~, the Authority shall refund the difference to the applicant.

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

- We reiterate our opposition to involving outside experts in this process or requiring Contractors to pay for such costs.
- We also prefer the wording of alt. 1, which connects Draft Regulation 86(2) to the actual fee paid by the Contractor.

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Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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Draft Regulation 86(3)

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3. Taking into account any criteria established for this purpose by the Finance Committee **or in a case-by-case basis**, the ~~{Secretary-General}~~~~{Finance Committee}~~ shall determine the amount of such differences as indicated in paragraph (2), and notify the applicant or Contractor of its amount within 30 days of the Council’s decision regarding the application. The notification shall include a statement of the expenditure incurred by the Authority. The amount due must be paid by the applicant or reimbursed by the Authority within 90 Days of the effective date of the- Council’s decision regarding the application~~exploitation contract~~.

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

- We propose that the Secretary-General be required to issue the notice under Draft Regulation 86(3) within a set time period.
- Draft Regulation 86(3) should also clarify that these procedures also apply in the event that no Exploitation Contract is awarded.