

**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 107

**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. Five years following the approval of these regulations by the Assembly, or at any time thereafter, the Council shall undertake a full review of the manner in which the regulations have operated in practice.

2. If, in the light of improved knowledge, technology, implementation experience, or identification of regulatory gaps, it becomes apparent that these regulations are not adequate, any State party, the Commission, any Contractor through its sponsoring State, ~~or Stakeholder~~ ~~{through its relevant State Party}~~ may at any time request the Council to consider, at its next ordinary session, revisions to these regulations and the matter shall be included in the provisional agenda of the Council for that session.

3. The Council shall establish a process that gives Contractors and ~~{relevant}~~ Stakeholders adequate time and opportunity to comment on proposed revisions to these regulations, save for the making of an amendment to these regulations that has no more than a minor effect or that corrects errors or makes minor technical changes.

4. In the light of that review, the Council may adopt and apply provisionally, pending approval by the Assembly, amendments to the provisions of these regulations, taking into account the recommendations of the Commission or other subordinate organs.

~~{5. Any amendments to these regulations adopted by the Council and the Assembly, shall not be applied retroactively to the detriment of the Contractors that have already signed an exploitation contract with the Authority.}~~

~~5-alt. The Council may incorporate an appropriate transition period for implementation by existing Contractors of any amendments to the regulations.~~

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

- We strongly support the language in Draft Regulation 107(2) that clarifies that Stakeholders are able to engage in the review of the regulation via their relevant State Party. This ensures the Council is not inappropriately burdened by requests from an overly broad range of Stakeholders, some of which may be inappropriate or frivolous. It also ensures that States Parties retain their important role in terms of governing the agenda and work of the Council.
- We also propose that Contractors should also be explicitly included in Draft Regulation 107(3) alongside other Stakeholders. This will ensure Contractors are also provided with adequate time and opportunity to comment on changes to regulations that may directly affect them.
- We do not support 107(5)(alt) and consider, in accordance with the Convention and the Part XI Implementation Agreement that any amendments to the regulations cannot be applied retrospectively to existing contractors, without their express agreement.