

**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.**

Draft Reg. 95

**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. alt- The Commission or other subsidiary organs of the Authority where so requested by the Council, shall, from time to time, {where appropriate or upon request by the Council,} develop Guidelines of a technical nature, in order to assist in the implementation of these Regulations and, Standards taking into account the views of relevant Stakeholders.~~

[...]

~~3. The Commission or other subsidiary organ, in the case of technical Guidelines and the Secretary-General, in the case of administrative Guidelines shall keep under review such Guidelines which shall be reconsidered, and revised subject to Council approval as needed, at least every five years from the date of their adoption or revision, and in the light of improved knowledge or information.~~

~~{4. Guidelines are only of a recommendatory nature, {yet Contractors shall ensure they are apprised of the Guidelines and take them into account in their performance of functions and obligations under these regulations and their contract. The observance of a Guideline by a Contractor may serve as supporting evidence of compliance by that Contractor with the relevant Rules of the Authority to which the Guideline relates. The Authority may also request applicants or Contractors to identify and explain departures from Guidelines}.~~

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

- We consider that the Commission should have the central responsibility for developing the Guidelines given it has the requisite expertise and competence. Thus, there is no need for references in Draft Regulation 95 to other subsidiary organs.
- We also consider that this process should not require Council approval, which would only unnecessarily delay the updating of Guidelines.
- In relation to Draft Regulation 95(4), we oppose the new addition of language which attempts to elevate the status of Guidelines by requiring Contractors to justify any departure from them. This is not consistent with Guidelines being recommendatory only.