

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART II**

*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(s) of Delegation(s) making the proposal:**

The Kingdom of the Netherlands

**2. Please indicate the relevant provision to which the textual proposal refers.**

Regulation 7 (Form of applications and information to accompany a Plan of Work)

**3. 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. Each applicant, including the Enterprise, shall, as part of its application, provide a written undertaking to the Authority that it will:

[...]

~~(d) Provide the Authority with written undertakings from parent or holding companies of the applicant, if any, to assume joint and several liability for damages to the Authority in the event of liability having been established against the applicant in carrying out of the plan of work.~~

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

The Kingdom of the Netherlands agrees that parent companies of Contractors should be jointly and severally liable towards the Authority for damage caused by the Contractor.

However, Paragraph 2(d) should be deleted because the provision insufficiently obliges a future Contractor to ensure that its parent companies are jointly and severally liable for damages to the Authority; the text of the provision merely determines that the applicant will provide a written undertaking that they will provide another written undertaking. This does not provide enough legal basis for such liability.

Simultaneously with this proposal, the Kingdom of the Netherlands submits proposals to Draft Regulations 18bis, 23 and 24, Annex IX and the Schedule, as well as a new Annex XI, containing a statement through which a parent company of the Contractor agrees to its joint and several liability, as a compulsory schedule to the Exploitation Contract. These submissions should be read together.