

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

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.

Schedule

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.

Use of terms and scope

[...]

“Managing Company” means [to be discussed at a later stage].

[...]

“Parent Company Liability Statement” means the statement that is to be validly signed by the Contractor and the Contractor’s Managing Company on behalf of those companies, and provided by the Contractor as Schedule 14 to the Exploitation Contract, as amended from, yet substantially in the same form as, Annex XI to these Regulations.

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

Through several proposals, the Kingdom of the Netherlands (“Netherlands”) introduces a “Parent Company Liability Statement”, to provide sufficient legal basis for the joint and several liability of parent companies of Contractors towards the Authority for damage caused by a Contractor. This will form a compulsory schedule to the Exploitation Contract, signed by a parent of the Contractor that qualifies as a “Managing Company”.

At this stage, the Netherlands believes it most conducive for parties to discuss the mechanisms through which joint and several liability is put in place. The Netherlands suggests to discuss which company in the Contractor’s corporate structure should provide the Parent Company Liability Statement when plenary discussions on the meaning of “effective control” recommence.

The Netherlands refers to its proposals pertaining to Draft Regulations 7, 18bis and 23, Annexes IX and XI, and the Schedule. These submissions should be read together.