

**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 of the Working Group

Financial Terms of an Exploitation Contract

2. Name(s) of Delegation(s) making the proposal:

Brazil

3. Please indicate the relevant provision to which the textual proposal refers.

DR78

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.

3. The Secretary-General shall provide the Contractor with written notice of any proposed adjustment under paragraph 2 above. The Contractor may make written representations to the ~~Secretary-General~~ Council within 60 Days of the date of such written notice. If the Contractor submits written representations, the ~~Secretary-General~~ Council shall affirm, amend or revoke the adjustment, taking into account the further information provided by the Contractor, within 60 Days of being provided with that further information.

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

Paragraph 2 establishes the competence of the Council to adjust “the value of such costs, prices and revenues to reflect an arm’s-length value, taking into account the recommendations of the Commission”. It would seem more coherent that the Council, and not the Secretary General, could handle written representations and give final answers in the matter.