

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS
DURING THE 29TH SESSION: COUNCIL - PART I**

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 Working Group:

Informal Working Group on Institutional Measures

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 16(3) and (3.Alt)

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.

Regulation 16 [IWG IM]

Consideration and approval of Plans of Work

[...]

~~3. The Council shall disapprove a plan of work if any requirement of Regulation 13 is not fulfilled.~~

~~3. Alt. The Council shall, when approving a Plan of Work, request the Secretary-General to ensure that the contract to be concluded incorporates all conditions outlined in the draft Plan of Work and the accompanying plans, as well as any additional conditions requested by the Commission or the Council.~~

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

- Given that Draft Regulation 13 contains matters for the “Commission” to determine, it is not appropriate to also require the Council to reconsider those same matters when it is considering an application for a Plan of Work. The decision making of the Council in respect to the Commission’s recommendation should follow the clear process outlined in Section 3 of the 1994 Agreement.
- If the Commission has considered an application and recommended its approval, the Council should not be second guessing its expert determination and attempting to perform the Commission’s work for it.
- We also consider Draft Regulation 16(3.Alt) to be unnecessary and that it potentially inappropriately elevates the powers of the Commission by enabling it to unilaterally impose conditions upon contractors.
- As such, Draft Regulation 16(3) and (3.Alt) should both be deleted.