

**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:

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 Regulation 36 (1.bis) and (4)

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 36 [President's Text]

Insurance

[...]

[1. bis The insurance required under paragraph 1 shall:

[...]

(b) Be in effect as at the point in time that the Contractor's vessel departs port for the Area for the purpose of conducting Exploitation activities~~from the start date of the Contract~~, until such time as the Environmental Performance Guarantee has been released back to the Contractor in full by the Authority.

[...]

~~4. A Contractor shall not make any Material Change to or terminate any insurance policy related to its Exploitation activities in the Area without the prior consent of the [Council] Secretary-General.~~

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

- With respect to subparagraph 1(bis)(b), we consider that the insurance should only be required from the point that the relevant vessel departs from port to go to the Area to undertake activities. It is only at that point that the relevant risks will start to be relevant. We have proposed new wording in that regard.
- We also oppose the inclusion of subparagraph 4 as the Council should not be inserting itself into Contractor decisions with respect to insurance policies. It is not feasible to involve the Council or Authority in each modification or change to their insurance. Contractors will be required to maintain insurance that accords with the Regulations and any applicable Standard, there is no need to have the Authority then provide prior

consent for each aspect of such insurance policy. To do so would put at risk the ability of Contractors to obtain insurance given the additional time that would be required to involve the Authority in these decisions.