

**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 57(4.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 57 [IWG IM]

Modification of a Plan of Work by a Contractor

[...]

4. ~~Notwithstanding paragraph 2, the Secretary-General may propose to and the Contractor may agree to~~ a change to the Plan of Work that is not a Material Change ~~in accordance with the applicable Standards,~~ to correct minor omissions, errors or other such defects. ~~After consulting the Contractor, the Secretary-General may make the change to the Plan of Work, and the Contractor shall implement such change.~~ The Secretary-General shall so inform the Commission and the Council at ~~its~~ their next meeting. ~~The Council may decide to apply the procedure as provided in paragraph 2.~~

~~[4. Alt. The Commission [or the Secretary-General] may propose a change to the Plan of Work that is not a Material Change, to correct minor omissions, errors or other such defects. The Secretary General will transmit the proposal to the Contractor. The Contractor will respond to the proposed change. The Commission will recommend the change to the Plan of Work, and the Contractor shall implement such change. The Secretary-General shall so inform the Council at its next meeting.]~~

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

- We continue to support Draft Regulation 57(4) and oppose the proposed 4.Alt. However, we remain concerned by the final sentence of paragraph 4, which purports to allow the Council to override a prior agreement between the contractor and the Secretary-General by declaring the matter a Material Change and invoking paragraph 2.

- We also remain strongly opposed to Draft Regulation 57(4.Alt). This language suggests that the Commission or Secretary-General may be able to force a contractor to modify their Plan of Work. This would undermine the certainty that the contract is intended to provide to contractors and should not be allowed. In this context, we also note that Article 19(2) of Annex III of the Convention specifies that contracts “may be revised only with the consent of the parties”.