

**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 7(3.bis)

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 7 [IWG IM]

Form of applications and information to accompany a Plan of Work

3. bis. An application shall contain sufficient information to demonstrate that the applicant has **[or will have]** access to the necessary financial and technical capability and resources to carry out the proposed Plan of Work, and shall be accompanied by the following: [...]

(k) A copy of the Contractor’s code of Conduct or other rules applicable to all staff involved in the execution of a proposed Plan of Work, including policies pertaining to personnel safety, environmental compliance, inclusivity, gender equality and diversity, and sustainability, ~~which shall conform in material respects with the rules applicable to staff of the Enterprise or any other rules proposed by the Authority;~~ and [...]

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

- In relation to Draft Regulation 7(3.bis)(k), we do not see any rationale for requiring contractors to apply the Enterprise’s or Authority’s staff conduct and other rules to their own employees. The Enterprise and the Authority are creations of international law and thus are *sui generis* entities. They are wholly unlike contractors, which will be subject to specific and different legal obligations and regimes depending on their State of incorporation.
- Requiring contractors to apply codes of conduct and other staff-related rules that were designed for the Enterprise or Authority could result in conflicting and inconsistent obligations. It could also limit the ability of contractors to go beyond the regimes established by the Enterprise and the Authority.