

**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 93bis (7) and (9)

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 93 bis [*President's Text*]

Stakeholder Consultation

[...]

7. During the consultation period, the applicant or Contractor shall ~~endeavour to~~ conduct engagement with States and ~~potentially directly affected~~ and interested Stakeholders ~~public engagement, and~~ in accordance with [Regulation 93 ter] applicable Standards, and taking into ~~consideration~~ Guidelines. The Secretary General may, in consultation with the relevant applicant or Contractor, direct the applicant or Contractor to conduct such meetings, workshops and engagement or facilitate such meetings, workshops and other forms of engagement.

[...]

9. The Secretary General shall transmit all submissions to the applicant or Contractor. The applicant or Contractor shall consider the submissions received and may revise the documentation that was the subject of consultation. The applicant or Contractor shall prepare a written response to consultation that collates and responds to the [substantive] and relevant comments expressed in submissions and includes an explanation of any revisions to the document and how those revisions respond to [substantive] and relevant comments expressed in the submissions. The applicant or Contractor shall submit the written response, with any revised documentation, to the Secretary-General for transmission to the Commission.

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

- We support the applicant or Contractor being required to endeavour to engage with States and interested Stakeholders and propose amendments to Draft Regulation 93bis (7) to clarify this obligation.
- We also consider that given that holding meetings or workshops or other forms of engagement activities will have cost implications, the Secretary-General should engage with applicants and Contractors prior to directing them to undertake any specific activity or indeed consider facilitating such activities itself.
- In relation to Draft Regulation 93bis (9), we support fulsome and appropriate consultation with stakeholders and requiring contractors to respond properly to substantive and relevant comments. However, contractors should not be required to respond in writing to irrelevant or vexatious comments, even if these may be substantive. As such, we propose amending Draft Regulation 93bis(9) to insert a requirement of relevance.