

**Intervention of the Kingdom of Tonga Delegation on Draft Regulation 15 –
Commission’s Recommendation for the Approval or Disapproval of a Plan of Work
DAY 4 - ISA Council Meeting Part I of the Council Session – 17-28 March 2025**

Thank you, Mr. President,

The Kingdom of Tonga welcomes this discussion on **Draft Regulation 15 – Commission’s recommendation for the approval or disapproval of a Plan of Work**. We emphasize the importance of ensuring a **fair, transparent, and predictable** process for all applicants, particularly developing States and Small Island Developing States (SIDS).

On **Regulation 15(1)**, Tonga does not support the alternative text (1.Alt), which would allow the Commission **discretion to decline approval** of applications that meet all established criteria. The role of the Commission is to **assess applications objectively** against the defined requirements. There should be no room for subjective decision-making beyond the established legal framework.

On **Regulation 15(1 bis)(b)**, we support clarifying that the Commission should summarize **all “considerations”** taken into account in its recommendations, rather than just “inputs.” This ensures a **full and transparent accounting of the decision-making process**.

Regarding **Regulation 15(2)(c) bis**, Tonga is concerned that **references to other global frameworks and agreements** create uncertainty and may introduce **inconsistent external obligations** that were not agreed upon within the ISA framework. We therefore support **removing this provision**, ensuring that applications are assessed strictly under ISA regulations.

On **Regulation 15(5)**, we agree that **applicants should have a fair opportunity to respond** if the Commission does not recommend approval. To ensure procedural efficiency, we propose that the Commission **consider applicant responses within a reasonable timeframe, such as 30 days**, including through intersessional or virtual meetings. This would prevent unnecessary delays while ensuring procedural fairness for all stakeholders.

Tonga remains committed to a **balanced regulatory framework that fosters investment certainty while upholding transparency and accountability**. We look forward to continued discussions on this important issue.

I thank you, Mr. President.