

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART II**

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](mailto:council@isa.org.jm).

**1. Name of Working Group:**

Informal Working Group on Institutional Matters  
Parts V, IX, XII, XIII, and Appendix III

**2. Name(s) of Delegation(s) making the proposal:**

Republic of Poland

**3. Please indicate the relevant provision to which the textual proposal refers.**

Regulation 13

Assessment of Applicants

**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.**

**Assessment of Applicants [and applications]**

1. The Commission shall determine [~~under consideration of taking into account the comments made by members of the Authority and Stakeholders, any responses by the applicant and any additional information or comments provided by the Secretary-General~~] if the applicant:

[...]

~~[(g) Has demonstrated, in relation to the accommodation of other activities in the Marine Environment, due diligence to:]~~

~~[(i) identify in-service and planned submarine cables and pipelines in, or adjacent to, the area under application using the publicly-available data and resources as listed in the Guidelines;]~~

~~[(ii) identify sea lanes in, or adjacent to, the area under application that are essential to international navigation;]~~

~~[(iii) identify areas of intense fishing activity in, or adjacent to, the area under application]; and~~

~~[(iv) where other marine users are identified in relation to the area under application, consult with those users to agree measures the Contractor will take to give reasonable regard to their activities (such as an easement, or a mining exclusion zone within a reasonable radius);]~~

[(h) Has demonstrated a satisfactory record of past performance both within the Area ~~and in other jurisdictions.~~]

4. The Commission shall determine if the proposed Plan of Work [foreseeably contributes to realizing the benefits for [hu]mankind as a whole][complies with the fundamental policies and principles contained in regulation 2, and];

[...]

~~[(e)bis The effective protection referred to in sub paragraph (e) implies that the activity will not cause, *inter alia*:~~

- ~~(i) Significant adverse effect on air and water quality;~~
- ~~(ii) Significant changes in atmospheric, terrestrial or marine environment;~~
- ~~(iii) Significant changes in the distribution, abundance or productivity or species of flora and fauna;~~
- ~~(iv) Further jeopardy to endangered or threatened species or populations of said species~~
- ~~(v) Degradation, or risk of degradation to special biological, scientific, archaeological, or historical significance;~~
- ~~(vi) Significant adverse effect on climate or weather patterns.]~~

~~[(f) Provides for the effective protection of the marine environment from harmful effects that may arise from the proposed activities, by assessing whether the proposed Plan of Work:~~

- ~~[(i) contains adequate environmental baseline data, in accordance with applicable Standards and taking into account Guidelines;]~~
- ~~[(ii) will not cause environmental impacts to any area designated by the Authority or other relevant authority as a protected area in terms that prohibit such impacted;]~~
- ~~(iii) Gives rise to a non-negligible risk of pollution, damage to flora and fauna, or other harmful effects to ecosystem integrity (i.e. ecosystem structure or function) in a manner that:~~
  - ~~(A) impairs the ability of affected populations to replace themselves; or~~
  - ~~(B) degrades the long term natural productivity of habitats or ecosystems; or~~
  - ~~(C) causes, on more than a temporary basis, significant loss of species richness, habitat or community types.~~
- ~~(iv) Gives rise to a non-negligible risk that it will undermine the protection and conservation of other natural resources of the Area.~~

~~In conducting this assessment, the Commission shall The Commission shall take into account and shall consider).]~~

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

In para 1, we propose to delete whole subpara (g) - this is an activity that goes beyond contract obligations. In subpara (h) we propose to delete "and in other jurisdictions" because it goes beyond the Area.

In para 4 we propose to delete subpara (e)-bis and (f) - the description is too detailed. This type of details of environmental protection are included in other regulations (ENV IWG).