

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. Name(s) of Delegation(s) making the proposal:

Fiji

2. Please indicate the relevant provision to which the textual proposal refers.

Regulation 104

Power to take remedial action

1. Where a Contractor fails to take action required under regulation 103, the Authority may carry out any remedial works or take such measures as it considers reasonably necessary to prevent or Mitigate the effects or potential effects of a Contractor's failure to comply with the terms and conditions of an exploitation contract.
2. If the Authority takes remedial action or measures under paragraph 1 above, the actual and reasonable costs and expenses incurred by the Authority in taking that action are a debt due to the Authority from the Contractor, and may be recovered from the Environmental Performance Guarantee lodged by the Contractor.

3. 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.

1. What is the Authority is in this context? Are we approving to take on the responsibility of the Contractor?

2. The word reasonable needs to be defined clearly and what are the limitations of this reasonable action?

3. The cost for any breaches would be a huge amount and therefore needs to be clearly defined on the responsibility. 1.

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

1. Who is the Authority? It is ALL member states. Are we saying that we are willingly taking on this responsibility of the contractor? 2. Agree with Russian Federation- definition of reasonable in this context is necessary