

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

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 – Institutional matters

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

Republic of Nauru

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

Reg 4(4) and (10)

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.

Proposal of a new 4)

4) Such measures shall include consulting with any potentially affected coastal State prior to submitting an application for approval of a Plan of Work. Monitoring of potential transboundary impacts, accurate and precise recording of the operational area, and consultations with any potentially affected coastal State shall be maintained by the Contractor throughout the term of the Contract in accordance with its environmental management and monitoring plan, with a view to ensuring that the rights and legitimate interests of coastal States are not infringed.

10) If the Commission determines, taking account of the relevant Upon the receipt of the emergency order, the Contractor shall take necessary measures in accordance with regulation 28 (3). Standards and Guidelines, that there are clear grounds for believing that Serious Harm or the threat of Serious Harm to the Marine Environment is likely to occur, it shall recommend that the Council issue an emergency order, which may include an order for the suspension or adjustment of operations, pursuant to article 165(2)(k) of the Convention and take all necessary measures to prevent Serious Harm to the Marine Environment. Such recommendation shall be taken up by the Council on a priority basis. Nothing in this paragraph shall preclude a Contractor from implementing the Emergency Response and Contingency Plan pending receipt of any emergency order.

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

Para. 4: The EMMP should reference the necessary consultation protocols etc.

Paras 6 and 10: the procedures contemplated by paragraphs 6 and 10 while procedurally correct are at best, challenging, not least the time that may be taken to examine evidence and, where necessary, issue an emergency order. In connection with Incidents, Regulation 33 we understand was drafted to take account of the time and procedural challenges in issuing an emergency order and requires a contractor, in connection with Incidents, to implement its Emergency Response and Contingency Plan. This should be considered in the context of regulation 4 and referenced accordingly. The content requirements for the Emergency Response and Contingency Plan may also need to be adjusted accordingly.