

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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:

IWG – 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.

Part VIII & Annex II

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.

See general comments below.

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

We agree with the suggestion of the co-facilitators that the Council request the Finance Committee to review this Part VIII and annex II at its next meeting and to provide the Council with any relevant feedback on the methodologies and principles to be used for calculating fees which may usefully be incorporated into the regulatory text or to suggest appropriate regulatory text.

The regulatory text, particularly for matters such as the application fee for the approval of a plan of work (regulation 86) may be inadequate as referencing only “administrative expenses”. Other relevant costs to be recovered will include the costs of third-party experts engaged by the Commission or Secretary-General to review aspects of an application. Indeed, the Authority should take steps to recover actual costs incurred relating to its regulatory functioning from the application process through to the closure of the operation.

As to appendix II we suggest, to maintain flexibility, that this appendix be deleted and that annual and other fees are approved by way of Council and Assembly decisions based on the recommendation of the Finance Committee. However, we note that other delegations would prefer to keep the list of applicable fees; we have no objection to this provided it is reflected that the list is non-exhaustive as other fees or amounts recoverable by the Authority on a cost recovery basis (e.g., independent examinations or audits) will arise during the administration of the contract.