

**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:

President's text

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

Republic of Nauru

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

Regulation 27

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.

1. Where the requirements of regulation 25 are satisfied and the Contractor has lodged an Environmental Performance Guarantee in accordance with regulation 26, the Contractor, ~~[consistent with Good Industry Practice]~~, shall make ~~[commercially reasonable]~~ ~~[all]~~ efforts to bring the Mining Area into Commercial Production consistent with Good Industry Practice and in accordance with the Plan of Work ~~[and the Rules of the Authority, consistent with Good industry Practice].~~

~~2. [Once Commercial Production has begun, the Contractor shall notify the Secretary General. Upon notification, the Secretary General shall publish notice on the website of the Authority and shall notify members of the Authority, in particular coastal states in close proximity to the Mining Area, that Commercial Production has begun and the location of the Mining Area.]~~

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

Paragraph 1: the original text commercially reasonable efforts should be retained. The contractor is in the best position to assess this timing, subject to the making of reasonable efforts.

Paragraph 2 has been considered in the OEWG on financial terms and its proposed deletion with other suggested text being provided to determine the date of commencement of commercial production. It is assumed this will be taken care of through a consolidated text of all working group outputs.

**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:

OEWG

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

Republic of Nauru

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

Regulation 27

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 comments below.

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

In connection with the development of “thresholds” proposed under 2bis, we trust that the necessary parameters will be simple and thus easily measurable and auditable by the Authority, reflecting the objective criteria set out in article 17(2)(g), annex III, UNCLOS. Indeed, it may be through further discussion that such simplicity can be embodied in an improved or modified definition for commercial production.

A clearer definition or parameters for the date of first commercial production, with no potential for manipulation or misinterpretation is paramount, and we welcome the introduction of paragraph 2bis to this regulation.

It may be helpful in the next Chair’s briefing note to ask for suggestions by delegations on what the “thresholds” or parameters could be, and for these to be presented in the OEWG meeting.