

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> 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](mailto: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 94 Alt

**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.**

~~Regulation 94~~

~~Adoption of Standards~~

- ~~1. The Commission shall, taking into account the views of [recognized experts,] [recognized experts identified in accordance with annex X] relevant Stakeholders and relevant existing internationally accepted standards, make recommendations to the Council on the adoption and revision of Standards relating to Exploitation activities in the Area, including standards relating to:
  - ~~a) Operational safety;~~
  - ~~b) The conservation [and Exploitation] of the Resources; and~~
  - ~~c) The protection of the Marine Environment, including standards or requirements relating to the Environmental Effects of Exploitation activities, as referred to in regulation 45~~~~

~~**1bis.** The Council shall ensure that requirements and legally binding obligations associated with relevant and/or applicable international treaties and agreements are adopted/integrated into the ISA's Standards and Guidelines.~~

~~2. The Council shall consider and approve, upon the recommendation of the Commission [and taking into account statements submitted by Stakeholders during a public consultation,] [and giving due consideration to submission by stakeholders in the framework of the Public Consultations] the Standards, provided that such Standards are consistent with the intent and purpose of the Rules of the Authority [and] [including] [the decisions of the Council and the Assembly and developed on the basis of Best Available Scientific Evidence]. If the Council does not approve such Standards, the Council shall return the Standards to the Commission for reconsideration in the light of the views expressed by the Council.~~

~~3. The Standards contemplated in paragraph 1 above [may] [must] include both qualitative and quantitative standards, [and must include all] [as well as] the methods, [process or] [processes and] technology required to implement the Standards.~~

~~**3. bis.** Standards shall be methodological, procedural, technical and environmental rules that are necessary to implement the regulations and to ensure a coherent approach to monitoring and assessment, as referred to in Regulation 45. Standards are legally binding~~

~~on Contractors and the Authority, and shall be revised every 5 years in the light of new knowledge, e.g. resulting from environmental impact assessments and monitoring.~~

~~4. Standards adopted by the Council [and the Assembly] [and approved by the Assembly] shall be legally binding on Contractors, [Sponsoring States] and the Authority and [may] [shall] [should] be [revised] [reviewed] [eventually amended] at least every five years from the date of their adoption or revision, [and advise the Council] and in the light of improved knowledge or technology [and on the request of the Council] [or in view of unforeseeable events or environmental considerations].~~

~~2. **4 alt.** Standards adopted by the Council shall be legally binding on Contractors and the Authority and the Commission shall review these Standards and advise the Council, as to whether any revision is required at least every five years from the date of their adoption or revision, in the light of improved knowledge or technology.~~

### **[Regulation 94 Alt Adoption of Standards**

1. Standards and any amendments thereto are binding on all persons operating or performing functions or duties in the Area.

2. Standards ~~are~~ shall be prepared by the Commission, ~~which~~ who shall take into account the views of recognized experts, relevant Stakeholders, and ~~relevant~~ applicable existing international standards, and make recommendations to the Council on the adoption and revision of Standards.

3. The Council shall consider and ~~approve~~ adopt the Standards based upon the recommendations of the Commission. If the Council does not ~~approve~~ adopt such Standards, the Council shall return the Standards to the Commission for reconsideration in the light of the views expressed by the Council. ~~The~~ Standards may be revised at least every five years from the date of their adoption or revision, and in the light of improved knowledge or technology. ~~The~~ Standards approved by the Council shall remain in ~~effective~~ on a provisional basis until approved by the Assembly or until amended by the Council in the light of any views expressed by the Assembly.

4. Standards may be adopted in relation to:

(a) health, safety and labour matters;

(b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the Marine Environment;

(c) the prevention, reduction and control of pollution and other hazards to the Marine Environment, including the coastline, and of interference with the ecological balance of the Marine Environment, particular attention being paid to the need for ~~the~~ protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of Installations, pipelines and other devices related to such activities; and

(d) any other subject matters or areas relevant to or required for the implementation of these Regulations.

5. Standards may include both qualitative and quantitative norms, as well as the methods, processes and technologies necessary to comply with the standards.

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

We suggest that regulation 94 is replaced with regulation 94 Alt. with minor modifications proposed above. Regulation 94 Alt is clearer and captures the essential components for the adoption of standards.