

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

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

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

DR8 – proposed amendments in green; black text and tracked changes text is from the Co-Facilitator's revised text circulated prior to the November 2023 Council meeting.

- 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.**

Area covered by an application

1. Each application for approval of a Plan of Work shall define the boundaries of the area under application, by a list of geographical coordinates in accordance with [alt 1. Annex 1 to these regulations] [alt 2. the World Geodetic System 84] [alt 3. the most recent applicable international standard used by the Authority].

2. The area under application need not be contiguous and shall be defined in the application in the form of blocks comprising one or more cells of a grid, as provided by the Authority.

3. The area under application shall be an area previously subject to an exploration contract for which {adequate and satisfactory} environmental baseline data is publicly available.

- {4. The area under application must be covered by a relevant Regional Environmental Management Plan pursuant to regulation 44bis.}

- ~~{5. In the application, the applicant shall provide an overview of other potential legitimate activities in the marine environment covered by the application, and a statement confirming whether the area under application or any part of it has received attention under any other international organisation or treaty regime.}~~

- 5 alt. For any part of the area under application, to the extent practicable after reasonable investigations, the applicant shall indicate in the application, whether it is designated or managed or under active consideration under any international regime or international organization. The applicant will also indicate that it is aware of its obligation of reasonable regard to other activities in the Area in accordance with Article 147.

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

In paragraph 3, Australia supports removing the brackets around 'adequate and satisfactory'. We think it is an important clarification that there is a requirement not simply for environmental baselines, but that this baseline data is adequate and satisfactory to enable proper consideration of the application.

Australia considers it important that a Regional Environment Management Plan be in place for the area subject to an application. We propose removing the square brackets around paragraph 4.

Australia supports further discussions progressing on the basis of paragraph 5alt. Australia suggests that after 'designated or managed', the words 'or under active consideration' are added to capture processes in other international forums which are ongoing and may result in designation or management frameworks, but which have not been finalized at the time the application is submitted. These processes in other international forums may take some time to complete, but we nonetheless think that they should still be referred to in the application.