

**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 26

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.

3. The amount of an Environmental Performance Guarantee may be provided by way of instalments over a specified period. ~~[In such cases, commercial production may only commence once the full amount has been provided.]~~

8. ~~[The lodging of an Environmental Performance Guarantee does not relieve the Contractor of its obligations that are subject of this regulation. Refusal or reluctance on the part of the Contractor to fulfil such obligations shall be subject to the relevant compliance measures under these Regulations.]~~ The provision of an Environmental Performance Guarantee by a Contractor does not limit the responsibility and liability of the Contractor under its exploitation contract in the amount of such guarantee. ~~[Should the Authority be compelled to make recourse to the Environmental Performance Guarantee due to any non-compliance by the Contractor of its obligations that are the subject of the Environmental Performance Guarantee, the Contractor remains liable to the Authority for any direct, incidental or additional costs incurred by the Authority.]~~

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

Para 3: the last sentence is counterintuitive to an instalment-based EPG.

Para 8: we suggest the sentence starting with "refusal or reluctance is deleted as we consider the language unnecessary as a contractor is already subject to the regulation and the relevant compliance measures in the event of breach. Also it is unclear how 'reluctance' will be judged and why 'reluctance' in the absence of non-compliance should be the subject of any 'compliance measures'.