

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

IWG: IM.

**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 12

**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.**

~~1bis. Subject to paragraph (1 ter) and to regulation 11(4), The Commission shall commence the consideration of an application at its next meeting after receipt of the application [alt. within 30 days of its receipt of the application] [provided that the notifications and information pursuant to regulation 11(1) (2 ter) have been circulated at least 30 90 Days prior to the commencement of that meeting of the Commission.]/~~

3. The Commission shall, in considering a proposed Plan of Work, apply the **Convention, the Agreement, and the Rules of the Authority** in a uniform and non-discriminatory manner, **and may not recommend approval of a Plan of Work that does not comply with these requirementsregulations.**

~~3 alt. The Commission shall, in considering a proposed Plan of Work, apply the Convention, the Agreement, and the Rules of the Authority in a uniform and non-discriminatory manner, and [ensure its compliance with] [shall have regard to] apply the principles, policies and objectives relating to activities in the Area [as provided for in [the Convention,] [the Preamble,] [and Part I of these regulations]], [and in particular the manner in which the proposed Plan of Work] [contributes to realizing benefits for] [is in the interests of] humankind as a whole [in accordance with decisions of the Council and Assembly]] including in ensuring the fair and equitable sharing of benefits] [and ensuring the effective protection of the marine environment], and may not recommend approval of a Plan of Work that does not comply with these requirements~~

~~[3 bis. The Commission in considering a proposed Plan of Work may seek advice and reports from competent independent experts on any matters considered to be relevant, as necessary.]~~

~~3 bis alt. In the case the Commission evaluates that there are aspects of the proposed Plan of Work that are not covered entirely by its own internal expertise, the Commission shall nominate at least three competent independent experts selected on the basis of their significant experience or record of publications in a particular deep-sea environment or technology sector, to review the application and provide comments to the Commission to inform their consideration of the proposed Plan of Work.~~

(b) bis. Reports from the Finance Committee upon matters within its competence, including:

~~(i) assessment of the economic benefits to be derived from the activities proposed in the application;~~

~~(ii) advice as to securing optimum revenue for the Authority;~~

~~(iii) the administrative budget required to manage a contract if awarded, and the proposed annual reporting fee to be levied pursuant to regulation 84;~~

(iv) any recommendation regarding the amount or format of the environmental performance guarantee; and

(v) advice as to whether the applicant would be subsidized so as to be given an artificial competitive advantage with respect to land-based miners.

~~[(e) bis. The previous operating record of the Sponsoring State(s), and the Sponsoring State(s)' technical resources and enforcement capabilities to monitor and enforce the applicant's compliance with the Rules of the Authority;]~~

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

Paras 1bis: we suggest the Commission can commence its consideration of the application within 30 days of receipt given the Commission is empowered to work intersessionally.

Para 3: "with these requirements" is vague. We suggest compliance "with these regulations" given the regulations are intended to operationalise the Convention.

Para 3alt: we see this alternative as overly detailed and challenging to implement.

Para 3bis/3bis alt: we concur with the facilitators that this content is adequately addressed by regulation 11(6).

Para b(bis): sub-paragraphs (i)-(iii) we do not consider relevant. For example, (ii) will be covered by the regulations on financial terms of a contract.

Para (c)(bis): it is not for the Commission to consider / judge operating records of a sovereign State.