

**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:

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 64Bis

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. A Contractor shall ensure that an Equalization Measure Audit shall be carried out prior to the commencement of Commercial Production and periodically thereafter as determined by the Authority in accordance with the ~~relevant~~ applicable Standard and ~~the~~ applicable Guidelines. Promptly on its completion a Contractor shall forward a copy of the Equalization Measure Audit to the [Secretary-General]~~]~~[Commission].

4. A Contractor ~~will~~ shall pay for each Equalization Measure Audit, which shall be undertaken by an Independent Auditor in accordance with the ~~relevant~~ applicable Standard ~~and applicable~~ Guidelines

5. A Contractor and ~~the~~ Sponsoring State ~~or States~~ (s) shall fully assist an Independent Auditor undertaking an Equalization Measure Audit and shall, subject to appropriate measures to protect confidential information provide the Independent Auditor...

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

We would welcome additional clarification on the following:

- Better definition and clarity around the intent of the equalisation measure. For example, the regulation could begin with a clear statement regarding what the equalization measure is and why it is being imposed.
- When would the equalization payments (if any) be made?

As to paragraph 5, the auditor should be subject to confidentiality in respect of the audit and confidential information.