

**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 89

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.

2(d) Data and information designated by the Contractor as Confidential Information at the time it was disclosed to the Authority, provided that, subject to paragraph 5 below, such designation is deemed to be well founded by the {Secretary-General} ~~[the Data Committee in accordance with the relevant Standard]~~ on the basis that there would be substantial risk of serious or unfair economic prejudice ~~[risk of harm]~~ if the data and information were to be released;

~~3(h) [Relate to contractor payments to the Authority, governments, state enterprises, other contractors, as well as payments and other forms of financial benefit received by the contractor from and Sponsoring States;~~

~~3(j) [Relate to Sponsorship Agreements or other contractual arrangements between contractors and Sponsoring States; or]~~

~~3(m) are in a category designated by the Council as not being Confidential Information.~~

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

Para 2(d): we consider that the Secretary-General is correctly tasked with determining whether relevant data and information is properly designated as Confidential Information by Contractors under paragraph 2 with any parameters set out in a guideline. We do not see the need to create a Data Committee and add further bureaucracy to the ISA structure.

Para 3(h): only contractor payments that should be reportable under these regulations are those made to the Authority and its Sponsoring State or States.

Para 3(j): the power to disclose such agreements or arrangements will be determined by the laws of the relevant State or the sponsorship arrangement itself.

Para 3(m): this is vague and could be prejudicial to contractors.