

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

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.im.

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

2. **Please indicate the relevant provision to which the textual proposal refers.**
DR 12, paragraphs 1 to 2.

3. **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.**

1. Subject to Regulation 10 concerning preference and priority among applicants, the Commission shall examine applications in the order in which they are received by the Secretary-General and shall assess applications in accordance with this Regulation and against the criteria contained in Regulation 13, in order to make a report and submit appropriate recommendations to the Council ~~whether the Plan of Work under application should be approved, or disapproved, pursuant to Regulation 15.~~

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1. bis Subject to paragraph 1 ter. and to Regulation 11(4), ~~the~~ Commission shall commence the consideration of an application at its next meeting after its receipt of the application ~~[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.]

~~{~~1. ter The Commission may defer consideration of an application to a subsequent meeting if the complexity of the application so requires.~~}~~

2. The Commission shall consider applications expeditiously.

[2alt. The Commission and shall endeavour to submit its reports and recommendations to the Council no later than ~~[120]/[180]~~ 275 Days from whichever date occurs later out of:

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(a) The close of the comment period, in accordance with Regulation 11(1)(a);

(b) The date of submission of a revised plan, in accordance with Regulation 11(2 bis); or

(c) The date the Commission receives additional information or amendments to the Plan of Work requested by the Commission under Regulation 14.]

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

Australia proposes amendments to paragraph 1 to reflect the wording of Article 165, paragraph 2(b) of the Convention.

The proposed amendments to paragraph 1 bis of DR 12 are:

- (1) in the first line, to replace 'The' with 'the' before the Commission;
- (2) in the second line, to insert 'its' before 'receipt' to clarify it is the receipt of the application by the Commission, rather than the receipt of the application by the Secretary-General;
- (3) to delete the words 'within 30 days of its receipt of the application';
- (4) to remove the square brackets around 'provided ... meeting of the Commission.'; and
- (5) to delete '30' and remove the square brackets around '90' so that there is requirement for the application and all other information listed in DR 12, paragraph 4 to be circulated to Commission members at least 90 days before the commencement of the Commission's meeting. This is because the amount of documentation the Commission is required to consider is likely to be voluminous and complex.

Australia proposes removing the square brackets around paragraph 1 ter.

Australia submits that there should be no time limit by which the Commission should complete its consideration of an application and to submit a report and recommendations to the Council. This is because each application will be different and the amount of time the Commission requires will differ. Accordingly, paragraph 2 should read 'The Commission shall consider applications expeditiously.'

If there is to be a time limit by which the Commission should complete its consideration of an application, this should be indicative only. Paragraph 2 alt provides that if the Commission requires further information from an applicant, the time period is paused and will restart when the Commission receives the further information. To accommodate the Commission's meeting schedule, the indicative period should be 275 days. For example, there were around 266 days (if whole weeks are counted) between the start of the Commission's July 2023 meeting and the end of its March 2024 meeting.