

**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:**

Consolidated 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 5

**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(c). In the case of any other qualified applicant, ~~by a designated representative~~ by a designated representative, or by the authority designated for that purpose by the sponsoring State or States

~~[(b) bis All information necessary on the Contractor’s principals to allow the Authority to determine their track record in accordance with Regulation 77(4)];~~

~~3. [(e) All information necessary to demonstrate that the Contractor will, throughout the term of their contract, for the purposes of Exploitation and ancillary activities, only use vessels flagged to registries of States that are Members of the Authority, and only use ports located in States that are Members of the Authority, except where non-Member States accept to be bound by the rules, regulations and procedures of the Authority relating to compliance and enforcement, to ensure the Authority can rely upon and require the cooperation of those States for the purpose of securing compliance with the rules, regulations and procedures of the Authority.~~

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

Para 2(c): “by a designated representative” should be re-instated. This text is applicable to say the designated representative of a commercial applicant. If it remains deleted it could be interpreted that the sponsoring State would need to submit the application.

Para 3(b)bis: this subparagraph is vague as to what constitutes “Contractor’s principals”. It is also not clear how this would be applied to States or State owned enterprises. We suggest it is deleted.

Para 3(e) is problematic. It would, for example prohibit the use of vessels flagged to the US or ports located in the US, unless the US was willing to be bound by ISA rules. This is counter to geographic realities given the proximity of the US to the CCZ, implicate emergency response capacity and supply chain connectivity, and could also be anti-

competitive. This matter is also outside of the ISA's jurisdiction to control. We suggest the subparagraph is deleted or subject to further consideration.