

**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:

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 7

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) Provide the Authority with written undertakings from parent or holding companies of the applicant, if any, to assume joint and several liability for damages to the Authority in the event of liability having been established against the applicant in carrying out of the plan of work.]~~

3. An application shall be prepared ~~taking into account~~ in accordance with these Regulations ~~and~~ the applicable Standards, ~~and shall take into consideration~~ ~~and applicable~~ Guidelines, as well as the ~~respective-relevant~~ Regional Environmental Management Plans.

~~3. bis. An application shall contain sufficient information to demonstrate that the applicant has for will have~~ access to the necessary financial and technical capability and resources to carry out the proposed Plan of Work, and shall be accompanied by the following:

3bis (k) A copy of the Contractor’s code of Conduct or other rules applicable to all staff involved in the execution of a proposed Plan of Work, including policies pertaining to personnel safety, environmental compliance, inclusivity, gender equality and diversity, and sustainability, ~~which shall conform in material respects with the rules applicable to staff of the Enterprise or any other rules proposed by the Authority;~~ and

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

Para 2(d): This para goes beyond the requirements of article 4 of Annex III and would extend liability to shareholders in contractors not in a contractual/legal relationship with the ISA. We suggest this text is bracketed for further consideration alongside other regulatory text which relates to the same theme of extending liability to contractor shareholders.

Para 3: the application must be prepared in accordance with the regulations and standards. Taking account of – or taking into consideration – is relevant to the guidelines and REMPS.

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Para 3bis: we suggest that the brackets around “or will have” are removed. This text simply caters for the situation where for example, financing arrangements or other third-party contracts are conditional on the approval of a plan of work or contract for exploitation.

Para 3bis(k): we suggest the text at the end “which shall conform in material respects with the rules applicable to staff of the Enterprise or any other rules proposed by the Authority” is deleted as it has no rationale or basis and would require contractor codes of conduct and other policies that apply to staff to conform with those that apply to the Enterprise which may not be appropriate for all contractors who are in different situations, and potentially different regulatory or institutional requirements.