

**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.jm.

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

Australia

2. Please indicate the relevant provision to which the textual proposal refers.

DR 107 -Proposed amendments shown in strikethrough and in **green text**.

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.

Review of these Regulations

1. Five years following the approval of these Regulations by the Assembly, the Council shall undertake a full review of the manner in which the Regulations have operated in practice and may also undertake such a review at any time thereafter.
2. Any State party, the Commission, the Enterprise, any Contractor (through its Sponsoring State), or Stakeholder (through a State party) may at any time request the Council to consider, at its next ordinary session, revisions to these Regulations and the matter shall be included in the provisional agenda of the Council for that session.
3. The Council shall establish a process that gives Contractors and Stakeholders adequate time and opportunity to comment on proposed revisions to these Regulations, save for the making of an amendment to these Regulations that has no more than a minor effect or that corrects errors or makes minor technical changes.
4. In the light of that review, the Council may in accordance with the Convention and the Agreement adopt and apply provisionally, pending approval by the Assembly, amendments to these Regulations, taking into account the recommendations of the Commission or other subordinate organs.
5. ~~Any amendments to these Regulations adopted by the Council and the Assembly, shall not be applied retroactively to the detriment of the Contractors that have already signed an Exploitation Contract with the Authority. }~~

5alt. Amendments to these Regulations shall be implemented by existing Contractors, subject to any limitations in the Convention and the Agreement. The Council may

provide for a transition period for implementation by existing Contractors of amendments to these Regulations.

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

Australia supports continuing negotiations on the basis of paragraph 5alt rather than paragraph 5, particularly given the difficulties of determining what may be to the 'detriment of the Contractors'. We note that Section 8, para 1 (e) of the Annex to the Implementation Agreement provides that any change in the system of payments under the financial terms of a contract 'may apply to existing contracts only at the election of the contractor.' We think that this paragraph should therefore be amended to ensure consistency with the Convention and Agreement. We propose that providing an appropriate transition period for implementation by Contractors of amendments to the Regulations may be required, depending on the nature of the amendments.