

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PARTS I**

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:

Republic of Nauru

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

Regulation 12

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. bis ~~Subject to paragraph 1 ter. and to Regulation 11(4), (The The Commission shall commence the-its consideration of an application -at its next meeting after its receipt of the application- [within 30 Days of its receipt of the application, including via virtual and intersessional meetings in addition to its regular meetings, if necessary] [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.] [The Commission may extend consideration of the application to its next meeting if necessary.]~~

2. The Commission shall consider applications expeditiously and shall submit its reports and recommendations to the Council no later than 120 Days from the date on which the Secretary-General transmits the applicant's or Contractor's written response with any revised documentation, to the Commission.

~~[2. Alt. [The Commission] and shall endeavour to submit its reports and recommendations to the Council no later than [120]/[180]/[270] Days from whichever date occurs later out of:~~

~~(a) The close of the [date of the completion of the review of the Environmental Plans, under Regulation 11][comment period, in accordance with Regulation 11(1)(a)];~~

~~(b) The date of submission [the completion of the amendments to the proposed Plan of Work under Regulation 14.] 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.~~

~~[2. bis. Alt. The Commission may delay its reports and recommendations under Regulation 12(2) by a further 90 Days, if additional information or consultations with experts are necessary.]~~

4. In considering the proposed Plan of Work, the Commission shall take into account:

~~(a) ter Any advice or reports received from any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject matter;~~

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

The current drafting of **paragraph 1.bis** is very ambiguous and does not provide a clear time for when the Commission needs to commence its consideration of an application. Further, the Commission's consideration of applications should not be linked to its scheduled meetings – this would needlessly delay consideration. Instead, the Commission should meet intersessionally within a reasonable period time of its receipt of an application to commence its consideration.

We also note that this paragraph is about the commencement of the Commission's consideration not the actual timeframe for consideration which is governed by paragraph 2. As such the proposed new final sentence regarding extension of consideration is not appropriate here.

We prefer **paragraph 2** over 2.Alt. Paragraph 2 is straightforward and applies clear timeframes for the Commission's consideration of applications.

It is critical to provide certainty to applicants and the Authority by setting clear deadlines for the Commission (and other organs of the Authority) to work towards.

Timelines and regulatory certainty are a general issue that needs to be considered across the regulatory text to ensure that the Authority is an efficient and credible regulatory body, with appropriate adjustment to its current institutional functioning, where necessary consistent with the Convention.

We support the deletion of **paragraph 4(a ter)** as it is unnecessary, and the Commission will already have access to expert advice and views as part of consultation submissions (under sub-paragraph a bis) or through recognized experts (under sub-paragraph b bis).
