

**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 15

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. If the Commission determines that the application and the applicant meet the criteria set out in Regulation 13, it shall recommend approval of the Plan of Work to the Council.

~~[1. Alt. The Commission may recommend approval of a proposed Plan of Work if the Plan of Work complies with all requirements stipulated in Regulation 13, and the Commission has sufficient information to determine that all requirements in Regulation 13 have been met.]~~

1. bis. The Commission shall provide with any recommendation for approval made under paragraph 1:

(a) a report in accordance with Regulation 11(5);

(b) a summary of the deliberations of the Commission including what ~~inputs~~ considerations have been taken into account and how these have been assessed, as well as divergences of opinion in the Commission, if any;

(c) bis a summary of any uncertainties inherent in the Plan of Work and how the applicant has proposed to address these;

(d) any conditions the Commission considers appropriate to deal with adverse effects of the proposed activities; and

2. The Commission shall not recommend approval of a proposed Plan of Work if:

(a) the Plan of Work does not comply with all requirements stipulated in Regulation 13 and Regulation 12(4); ...

~~(c) Bis Such approval would undermine or contradict the binding goals, objectives or measures set out in other global frameworks and agreements related to the protection of the Marine Environment;~~

5. ~~At its next available meeting, t~~The Commission shall consider any such representations made by the applicant when preparing its reports and recommendations to the Council, provided that the representations have been circulated at least 30 Days in advance of that meeting which it shall do within 30 days of its receipt of such representations including through intersessional or virtual meetings if necessary.

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

Paragraph 1.Alt: it would not be appropriate to provide the Commission with discretion regarding whether it recommends approval of applications that meet all the criteria and requirements stipulated in the regulations. As an expert body, the Commission's sole task is to assess applications against the set criteria. There are no other factors that should be able to influence the outcome of its considerations. Proposed paragraph 1.Alt would allow the Commission to decline to recommend approval for reasons other than the application not meeting those requirements and prefer paragraph 1 accordingly.

Paragraph 1.bis(b): we note the use of the word "inputs" in paragraph 1.bis)(b), which we consider to be less clear as compared to "considerations".

Paragraph 2(c) Bis: this paragraph is ambiguous and lacks clarity or certainty. It is unclear what this paragraph is attempting to do or what "other global frameworks and agreements" it would require the Commission to consider when assessing applications. It is also not clear how an approval could "undermine or contradict" these frameworks, particularly where they meet all of the requirements established by the Authority in accordance with the Convention. We suggest this paragraph 2(c) Bis is deleted.

Paragraph 5: consistent with other submissions, we do not consider that the Commission's consideration of representations by applicants needs to be linked to its schedule of meetings. To enhance the efficiency of the Commission's work it should consider such representations intersessionally and within a reasonable period after their receipt. This would also help ensure that the Commission meets its deadlines for considering and reporting on applications.
