

**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 37bis

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.

~~The Contractor shall cooperate fully and effectively with the Authority for the purpose of the Authority, the Enterprise or its joint venture, a developing State or States acquiring deep seabed mining technology on fair and reasonable commercial terms and conditions, consistent with the effective protection of intellectual property rights, adhere to and implement the commitments set out in the Plan of Work for the transfer of technology, in line with the applicable Standards, and taking into account Guidelines.]~~

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

Draft regulation 37bis does not accord with the terms of UNCLOS or the 1994 Agreement.

A key element of the compromise leading to the 1994 Agreement was the agreement of specific terms in regard to the transfer of technology. It would not be appropriate for the regulations to attempt to rewrite that agreement by imposing new obligations upon Contractors in relation to technology transfers.

If there is a preference for the draft Regulation to be retained, we propose that the language should only reflect the provisions of the 1994 Agreement which states that any technology may only be acquired on fair and reasonable commercial terms and conditions (see Section 5 of the Annex).
