

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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:

President's 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 20(2)

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. An application to renew an exploitation contract shall be made in writing addressed to the Secretary-General and shall be made no later than ~~{one year}~~ ~~{two years}~~ before the expiration of the initial period or renewal period, as the case may be, of the exploitation contract.

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

Nauru supports a deadline for applications for renewal of one year prior to the expiration of the initial or renewal period in Draft Regulation 20(2) as adequate time for the consideration of a renewal.

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Regulation 20(3)

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3. The Contractor shall supply such documentation as may be specified in the [Standards and] Guidelines. If the Contractor wishes to make any changes to a Plan of Work and such changes are Material Changes, the contractor shall submit a revised Plan of Work.

~~{3 Alt. The Contractor submitting an application to renew an exploitation contract shall supply a revised plan of work, including an updated EIA, as well as such documentation as may be specified in any applicable Standard and taking account of Guidelines. Submission of a revised Plan of Work for the purposes of this regulation is deemed to be a Material Change for the purposes of regulation 57.}~~

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

Nauru is supportive of the original paragraph 3 which took a sensible, pragmatic and appropriate approach to the documentation associated with contract renewal.

Paragraph 3 Alt imposes unnecessary and burdensome requirements on each and every contract renewal and would further burden the Authority's workload to process. It is also contrary to the existing approach to Material Changes under DR57.

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Regulation 20(5)

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5. In making its recommendations to the Council under paragraph 6 below, ~~[including any proposed amendments to the Plan of Work or revised Plan of Work]~~, the Commission shall examine and assess applications in accordance with regulation 13, against the criteria contained in regulation 12, and take account of any report on the review of the Contractor's activities and performance under a Plan of Work under regulation 58, [as well as any other relevant information from, inter alia, performance assessments, annual reports, and environmental reports; ~~legal actions against the contractor~~].

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

Nauru suggests that reference to "legal actions against the contractor" be deleted as being too broad a concept that could cover a range of irrelevant matters.

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Regulation 20(6)

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6. The Commission ~~[shall]~~ ~~[may]~~ recommend to the Council the approval of an application to renew an exploitation contract, and ~~[an exploitation contract shall be renewed by the Council provided that:~~

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

As to paragraph 6, Nauru we support "shall" rather than "may" to minimise the Commission's discretion following its assessment of renewal applications.

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Regulation 20(6) bis

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~~[(b) bis. The cumulative environmental impact does not exceed the thresholds set by the applicable Regional Environmental Management Plan as a result of the renewal, and that such renewal does not hinder the achievement of the strategic and regional environmental goals and objectives;]~~

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

Nauru considers that paragraph 6)(b)bis is unnecessary. Absent a material change, it is not clear how a mere renewal of a contract could ever result in a contractor exceeding the thresholds in the applicable Regional Environmental Management Plan (REMP).

If there is a Material Change to a Plan of Work associated with a renewal, the Commission should re-examine the applicable environmental thresholds.

Paragraph (6)(b) already requires that the Contractor be in compliance with its exploitation contract and relevant Rules of the Authority. This provides a further measure for ensuring REMF compliance.

Further, paragraph (6)(b)bis is duplicative of other provisions and processes. It is unnecessary and propose it should be deleted.

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Regulation 20(6)(e)

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~~[(e) The Council is satisfied that the requirements of regulation 13 will be met; and]~~

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

Paragraph 20(6)(e) potentially reopens a significant and lengthy assessment process.

It would be redundant to re-apply the process for assessing new applicants to renewal applications. Contracts being renewed will have already been through the process under regulation 13 and have been the subject to oversight by the Authority throughout their term.

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Regulation 20(7)

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7. Each renewal period shall be a maximum of 10 [15] years ~~{for a maximum overall duration of the exploitation contract of 60 years}~~.

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

A maximum duration for contracts has no basis in the Convention and is of no benefit to the Authority.

Given the size of some contract areas considerably more time may be needed to properly develop and recover their resources for the benefit of humankind. It would not be logical to require a Contractor to abandon a contract area without fully realising the benefits from that contract area.

Setting a maximum duration at this stage would be premature and hamper potential investment. Further, the Authority will have complete oversight over a contract and the ability to decide upon renewals of contracts at regular intervals.

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Regulation 20(9)

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~~9. Sponsorship is deemed to continue throughout the renewal period unless the Sponsoring State or States terminates its sponsorship in accordance with regulation 21.~~

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

Paragraph (9) is inconsistent with regulation 20(6)(f) which requires the Sponsoring State(s) to reconfirm sponsorship of the Contractor as part of the renewal.