

**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 25(1)

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.

1. At least 12 months prior to the proposed commencement of production in a Mining Area, the Contractor shall provide to the Secretary-General a Feasibility Study prepared in accordance with Good Industry Practice, taking into account the ~~{applicable}~~ Guidelines ~~{as well as the results of the test mining study pursuant to Regulation [48bis], paragraph 2 or 3, as applicable, and in accordance with Annex [IV ter]}.~~ ~~{and the Secretary General shall submit this matter to the Commission}. [In the light of the Feasibility Study, the Secretary-General shall consider whether any Material Change needs to be made to the Plan of Work in accordance with regulation 57 (2)].~~ If ~~{the Commission}~~ ~~{he or she determines}~~ ~~[considers]~~ that any ~~{such}~~ Material Change needs to be made ~~{to the Plan of Work}~~, the Contractor shall prepare and submit to the ~~{Commission}~~ through the Secretary-General ~~[Secretary-General]~~ a revised Plan of Work accordingly].

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

We support the drafting of this regulation reflecting the Commission as the appropriate organ to determine whether there is a material change of the plan of work.

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Regulation 25(3)

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3. Provided that, [where applicable], the procedure under regulation 11 has been completed, the Commission shall, **within 30 Days at its next meeting, provided that the documentation has been circulated at least 30 Days before the meeting**, examine [the Feasibility Study and] any revised Plan of Work supplied by the Contractor under paragraph 1 above, and in the light of any comments made by members of the Authority, Stakeholders and the Secretary-General on the Environmental Plans.

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

Challenges are posed by constraining consideration of a Plan of Work to the Commission's twice-yearly meetings. This procedure will cause regulatory delay and is unduly burdensome to both the Contractors and the Authority.

We note that the Commission is empowered to consider matters intersessionally and consider that it should do so in relation to an application for a Plan of Work.

There is no reason to link any of the Draft Regulations governing consideration of an application for approval of a Plan of Work with a formal "meeting" of the Commission. We therefore propose deleting any reference establishing such a link.

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Regulation 25(3.bis)

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~~[3.bis. An application to renew an exploitation contract shall be accompanied by updated Environmental Plans to be reviewed in accordance with the provisions of regulation 11.]~~

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

Applications for renewing an exploitation contract, without a Material Change, should be considered under the Contractor's original Environmental Plan, which will have been reviewed thoroughly by the Authority and apply in relation to the same exploitation that is proposed to take place pursuant to the renewal.

If paragraph (3)bis is adopted, we suggest that updated Environmental Plans should only be required as part of the renewal process if there is a Material Change to the matters covered by those Environmental Plans.

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Regulation 25(6)

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.

6. The Contractor may not commence Commercial Production in any part of the Area covered by the Plan of Work until either:

(a) The ~~[Secretary-General]~~ Secretary-General ~~[Commission]~~ has determined that no Material Change to the Plan of Work needs to be made in accordance with regulation 57 (2)-[and this determination has been endorsed by the Council/Commission]; or

(b) In the event that a Material Change is made, the Council has given its approval to the revised Plan of Work pursuant to paragraph 5 above; and the Contractor has lodged an Environmental Performance Guarantee in accordance with regulation 26.

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

The relevant reference in paragraph 6 should be to commercial production.

The Commission is the appropriate body to endorse any determination made by the S-G as regards no material change.