

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART 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](mailto:council@isa.org.jm).

**1. Name of Working Group:**

Institutional Matters

**2. Name(s) of Delegation(s) making the proposal:**

Singapore

**3. Please indicate the relevant provision to which the textual proposal refers.**

Regulation 10(1), 10(1bis), 10(1ter) and 10(1ter)(alt)

**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. The ~~{Secretary-General}~~ shall review an application for approval of a Plan of Work and determine whether an application ~~{is complete contains all the information required by Regulation 7}~~ for further processing.

~~[1 bis. In case there is a potential applicant who has preference and priority in the same area and same Resource category under an Exploration contract in accordance with Article 10 of Annex III to the Convention, the Secretary-General shall confirm the intention of such a potential applicant to apply for approval of a Plan of Work for exploitation. The potential applicant shall confirm their intention within [x] days.]~~

~~1-ter. Should there be more than one application for the same area and same Resource category, the {Secretary General} shall determine whether the applicant has preference and priority in accordance with article 10 of annex III to the Convention[, and in case of any dispute, it shall be submitted to the Commission to make recommendations, upon which the Council shall make the decision.]~~

~~1 ter. alt. Should there be more than one application for the same area and same Resource category, or a potential applicant who has confirmed their intention to apply for approval of a Plan of Work pursuant to Regulation 10(1bis), the ~~Secretary-General shall determine~~ [Commission shall make recommendations to the Council on] whether the applicant or potential applicant, as the case may be, has preference and priority in accordance with Article 10 of Annex III to the Convention, upon which the Council shall make a decision.~~

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

**Regulation 10(1)**. Singapore shares the general understanding that the intention is for the Secretary General to conduct a preliminary review to confirm that the application contains all the information required under draft Regulation 7 ( “Preliminary review of application by the Secretary-General”). This is not a review or assessment of the substance or merits of the application that is contemplated under draft Regulation 13 (“Assessment of Applicants [and applications]”), which will be conducted by the Commission. On this basis, Singapore has no objections to the Secretary-General being the party responsible for conducting such a preliminary review, for reasons of efficiency in terms of ensuring that the Commission has a complete application before embarking on its review and assessment of the application pursuant to draft Regulation 13.

**Regulation 10(1bis)**. Para 1bis, read with the last sentence in para 2 of draft Regulation 10 (“[An application will not be processed further if there is another potential applicant who has a preference and priority and an intention to apply in accordance with regulation 10 (1)]”), seems to allow for a potential applicant to hold up the consideration of a Plan of Work indefinitely even if they do not intend to apply. If the last sentence of para 2 is retained, we propose providing for a deadline for a potential applicant to confirm their intention to apply, but we are open to further discussion on what an appropriate deadline would be.

**Regulation 10(1ter) and (1ter)(alt)**. There seems to be a disjoint between para 1ter/1ter(alt) and para 1bis of draft Regulation 10. Para 1bis refers to a potential applicant’s intention to apply for approval of a plan of work. However, paras 1ter/1ter(alt) then addresses preference and priority between applications, and is silent on the potential applicant referred to in para 1bis. There seems to be a drafting issue and our textual proposals are intended to clarify the process linking para 1bis with para 1ter(alt). Para 1ter(alt) has been amended, and para 1ter deleted, as our preference is for the Commission to make a recommendation to the Council on whether the potential applicant has preference and priority, rather than have the Secretary-General make such a determination.