

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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:

IWG: Institutional Matters

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 7(1)(d)

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.

contain sufficient information to demonstrate that the applicant has or will have access to the necessary financial and technical capability and resources to carry out the proposed Plan of Work.

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

The original text proposed by the Commission in 13(1)(e) contained the phrase “will have”. This language is to recognize that financing arrangements in particular are likely to be contingent on the approval of the plan of work for exploitation.

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Regulation 7(2)

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2. Each applicant, including the Enterprise, shall, as part of its application, provide a written undertaking to the Authority that it will:

(a) Accept as enforceable ~~[during all stages of the process chain]~~ and comply with the applicable obligations created by the provisions of Part XI of the Convention, ~~[the Agreement]~~ the rules, regulations and procedures, ~~[including the Standards]~~ of the Authority, the decisions of the organs of the Authority and the terms of its contract with the Authority;

(b) Accept control by the Authority of activities in the Area ~~[during all stages of the process chain]~~ as authorized by the Convention;

(c) Provide the Authority with a written ~~[substantiated]~~ assurance that its obligations under its contract will be fulfilled in good faith; and

~~[(d) Comply with the national laws, regulations and administrative measures of the sponsoring State or States made pursuant to articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention]~~

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

We suggest that the text in this paragraph (2) remains aligned with that in the exploration regulations which draws on the requirements of article 4(6), annex III to the Convention.

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Regulation 7(3)

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3. An application shall be prepared in accordance with these regulations **[and applicable Standards] [as well as taking into account the respective-relevant Regional Environmental Management Plan] and accompanied by the following:**

(h) An Environmental Management and Monitoring Plan prepared in accordance with regulation 48 and annex VII to these regulations **[which documents that environmental management and monitoring are in compliance withtake account of the applicable Regional Environment Management Plan];**

~~[(h)bis. Information regarding the environmental management system that the Contractor will implement;]~~

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

As policy documents, REMPs should be taken into account.

Paragraph (h)(bis) is unnecessary as details of the EMS will be included in the EMMP.

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Regulation 7(4)

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4. Where the proposed Plan of Work proposes two or more non-contiguous Mining Areas, the Commission may require separate documents under paragraphs 3 [(b)], (d), (h) and (i) above for each Mining Area, unless the applicant demonstrates **{to the satisfaction of the Commission}** that a single set of documents is appropriate, taking account of the relevant Guidelines.

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

We support the reference to the Commission here. The brackets can be deleted.