

**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:

Consolidated 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 10

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.

5. Where an application concerns a Reserved Area that is not or has not been subject to an exploration contract, the Enterprise shall be given an opportunity to decide whether it intends to carry out activities in the area in accordance with Article 9 of Annex III to the Convention [and Section 2 of the Annex to the Agreement].

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

Para 5: While perhaps unintended, the language in this para risks allowing the Enterprise to opt to carry out activities in an area at the time an exploration contractor applies for an exploitation contract. This is contrary to the regime contemplated under Annex III of UNCLOS and the 1994 Agreement and undermine certainty for contractors by providing the Enterprise two chances to determine if it wishes to utilize a reserved area. Where an application derives from an exploration contract, the contractor has a preference and priority under article 10, annex III. We suggest the paragraph is amended as above to clarify this.