

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto: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 12

**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. ter The Commission may defer consideration of an application to a subsequent meeting if the complexity of the application so requires.]~~

2. The Commission shall consider applications expeditiously and shall ~~endeavour to~~ submit its reports and recommendations to the Council ~~no later than~~within [120]/[180] Days from ~~whichever date occurs~~the later ~~out~~ of:

- (a) The close of the comment period, in accordance with Regulation 11(1)(a);
- (b) The date of submission of a revised plan, in accordance with Regulation 11(2 bis); or
- (c) The date the Commission receives additional information or amendments to the Plan of Work requested by the Commission under Regulation 14.

~~3. Alt. The Commission shall, in considering a proposed Plan of Work, apply the Convention, the Agreement, and the rules, regulations and procedures of the Authority in a uniform and non-discriminatory manner, and [apply the principles, policies and objectives relating to activities in the Area as provided for in the Convention, the Preamble, and Part I of these Regulations, and in particular the manner in which the proposed Plan of Work contributes to realizing benefits for humankind as a whole in accordance with decisions of the Council and Assembly [including in ensuring the fair and equitable sharing of benefits and ensuring the effective Protection of the marine environment], and may not recommend approval of a Plan of Work that does not comply with these requirements].~~

~~(e) bis The previous operating record of the Sponsoring State(s), and the Sponsoring State(s)' technical resources and enforcement capabilities to monitor and enforce the applicant's compliance with the rules, regulations and procedures of the Authority;~~

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

Para 1 ter: We suggest that paragraph 1.ter is deleted. We see no basis or rationale for this paragraph. The boundaries for the Commission's consideration is adequately and properly provided for in paragraphs 1bis and 2. It is ambiguous and would create uncertainty regarding what it means for an application to be “overly complex”.

Para 2: As to paragraph 2, we suggest that a 120-day period is more than sufficient for the Commission to make its recommendations. Equally, we consider there should be a firm deadline that provides for regulatory certainty, and that “endeavour to” should be deleted.

We would welcome the production of a timeline for the application review process reflecting prescribed time periods at various event and decision-making points in order that Members can assess the overall reasonableness of the aggregate time period which is not easily evident from reading the regulatory text.

Para 3. Alt: We see paragraph 3alt as overly detailed and challenging to implement, and that paragraph 3 is adequate here. So, we suggest the deletion of 3alt.

Para 4 (e) bis: We do not consider it appropriate for the Commission to judge operating records etc. of a sovereign State. We suggest the deletion of this subparagraph.