

**TABLE ANALYSING REFERENCES TO “CONTRACTOR” IN THE DRAFT REGULATIONS
CONSIDERING THE ROLE OF THE ENTERPRISE**

Reg	Page	Extract/Topic	Analysis
2	18	Supporting the Authority	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
3	18-19	Cooperation with the Authority	<p>Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect, including because (f)(vi) relates to enhancing environmental performance of Contractors</p> <p>Note that the Enterprise is specifically included in lists in sub-paragraphs (a), (e), and (f) where “Contractors” have already been listed. These express references to the Enterprise are unnecessary if either proposed definition is adopted.</p>
4	20	Marine Environment of coastal states	<p>Appropriate to include the Enterprise: Relates to environmental obligations of Contractors</p> <p>Note that the Enterprise is specifically included in the first sentence of sub-paragraph (4) as an alternative to Contractor, and this reference is unnecessary in light of the proposed definitions of “Contractor”. However, in the second and third sentences of sub-paragraph (4), and in (5) Alt the listing of the “Enterprise” as an alternative to “Contractors” in these sub-paragraphs avoids making non-sensical reference to the Enterprise’s Sponsoring State. This latter practice, of distinguishing the Enterprise and other Contractors when making reference to the latter’s Sponsoring State is not maintained throughout the draft regulations.</p>
4(7)	21	Liability for harmful effects to marine environment or exploitation of resources within a state’s national jurisdiction	Appropriate to include to include the Enterprise: Relates to environmental obligations, save that it should be clarified that the reference to national proceedings against Contractors do not apply to the Enterprise if it is not intended that the Enterprise would be subject to such national proceedings
5(3) (d)	23	Qualified applicants for approval of Plans of Work	Inappropriate to include the Enterprise: Relates to information on the principals of a Contractor which is not applicable for the Enterprise
11	30	Environmental Plans: written response to stakeholder consultation	Appropriate to include the Enterprise: Assuming that the Enterprise is intended to have the same stakeholder consultation obligations under Regulation 93bis as other Contractors, they should be included here.
12	32	Commission’s consideration of applications	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect

13(8) (b)(v)	36	Assessment of applications	Appropriate to include the Enterprise: Relates to regard given to other marine users of the area in relation to the Marine Environment
15 2. Bis.	39	Commission's recommendations	Appropriate to include the Enterprise: Refers to general obligations of Contractors, which in general, apply to the Enterprise as well
15 (3)	39	Commission's recommendations	Appropriate to include the Enterprise: Refers to the total area being allocated under an approved Plan of Work, applies equally to applications by the Enterprise
18	41-42	Rights and exclusivity under an Exploitation Contract	Appropriate to include the Enterprise: Relates to the rights granted by an Exploitation Contract, which are intended to be equally applicable to the Enterprise Note: As recorded in the comment to this regulation, the suggestion to explicitly insert a reference to the Enterprise in paragraph 1 is superfluous on either proposed definition of the Enterprise.
18bis (1) ter)	43	Obligations of Contractors to comply with national laws of their sponsoring state	Inappropriate to include the Enterprise: There is no Sponsoring State for the Enterprise, and as such it should be expressly excluded here, assuming that it is not intended to be subject to national laws, Regulations and administrative measures of the Sponsoring State.
18bis (2)	44	Liability of Contractors for damage	Inappropriate to include the Enterprise in the part of this obligation referring to the Contractor's Managing Company/Appropriate to include the Enterprise in the remainder of the obligation referring to liability generally: Assuming it is intended that the Enterprise is to be liable for damage it causes, this paragraph should be drafted to include the Enterprise generally. To avoid reference to the non-existent Managing Company of the Enterprise, there could be text inserted after Managing Company reading "in the case of all Contractors other than the Enterprise".
18bis (3)	44	Liability of Managing Companies of Contractors	Inappropriate to include the Enterprise: There is no Managing Company of the Enterprise
18bis (5)	44	Sponsoring State to assure that Contractors have means to comply	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
18bis (1), (1bis), (1 quat), (4)	43-44	Obligations of Contractors	Appropriate to include the Enterprise (with the exception of the two sub-paragraphs addressed above): Relations to general obligations of Contractors which are intended to be equally applicable to the Enterprise

18ter (1)(b)	45	Suspension or Termination of an Exploitation Contract due to termination of State sponsorship	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
18ter (1)(c), (2), (3)	45	Suspension or Termination of an Exploitation Contract	Appropriate to include the Enterprise: Relates to termination by the Contractor or the Authority which is appropriate to apply in the case of the Enterprise
19	46	Joint arrangements between a Contractor and the Enterprise	Inappropriate to include the Enterprise: The reference to joint arrangements between “the Enterprise” (as included in the general definition of a Contractor) and the Enterprise would otherwise be nonsensical. The Enterprise can enter into joint venture arrangements only with another contractor that is, by definition, <u>not</u> the Enterprise (i.e. a private Contractor)
20(e)	48	Extending an Exploitation Contract: Sponsorship	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
20	47	Extending an Exploitation Contract	Appropriate to include the Enterprise (other than paragraph (e) addressed above): Intended for the Enterprise to operate in the same way as other Contractors in this respect. The reference in paragraph 5 to “legal actions against the contractor” may be problematic for its potential reference to national proceedings against the Enterprise without taking into account the Enterprise’s immunity. Note: There is a typographical error in paragraph 3, which should read “application to extend”
21	48-49	Termination of sponsorship	Inappropriate to include the Enterprise, however the Enterprise has here already been expressly excluded in paragraph 1, and arguably by necessary implication in the remaining subparagraphs. It would be clearer if the Enterprise was expressly excluded from the entirety of this regulation.
22	50	Use of Exploitation Contracts as security	Appropriate to include the Enterprise: If it is intended that the Enterprise operate akin to other contractors, it should be given the same rights to obtain financing by way of security. Save that the requirement for the consent of the Sponsoring State in paragraph 1 needs to be excluded in the case of the Enterprise.
23	51	Transfer of Exploitation Contracts	If the Enterprise is to hold exploitation contracts as a custodian of the common heritage of humankind (on the basis that it is to act in accordance with the Convention), it may be appropriate for there to be further oversight by the

			<p>Assembly or Council for transfer of exploitation contracts by the Enterprise. This could be achieved by an express provision for the Council to withhold consent on grounds other than those applicable to transfer by private contractors if the Enterprise is to transfer an exploitation contract.</p> <p>If to the contrary it were intended that the Enterprise have the same rights to transfer Exploitation contracts, then in any event the requirement for the consent of the Sponsoring State in (1) requires modification as the Enterprise does not have a Sponsoring State.</p>
24	52	Change of Control	<p>Inappropriate to include the Enterprise in part of regulation referring to Change of Control of the Contractor: These provisions appear intended only to apply to other Contractors, as the Enterprise would not have an equivalent change in majority ownership, as Change of Control is defined. Paragraph 3 also makes reference to the Sponsoring State, which is inapposite in the case of the Enterprise.</p> <p>It is appropriate to include the Enterprise in the part of this regulation referring to a Change of Control to an Entity providing an Environmental Performance Guarantee on behalf of a Contractor</p>
25	54	Documents to be submitted prior to production	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
26	55	Environmental Performance Guarantee	Appropriate to include the Enterprise: Intended that the Enterprise has the same environmental obligations as other Contractors
27	57	Commencement of Commercial Production	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
28	58	Maintaining Commercial Production	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
29	59	Reduction or suspension in production	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
29bis	59	Procedure for suspensions	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
29ter	60	Certification of origin	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect

			Note: The Enterprise has been explicitly included here, unnecessarily so, in light of the proposed definitions of Contractor.
29 quater	61	Risk reduction principles	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
30(3)	62	Compliance with national laws of sponsoring state for matters outside jurisdiction of flag state, or for installations	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
30	61-62	Safety, labour and health standards	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect, however needs to be the above noted exclusion for the references to Sponsoring State
30 bis	63	Human health and safety management system	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
31	64	Regard for other activities in the Marine Environment	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
31bis	65	Damage to submarine cables and pipelines	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
32	66	Emergency Response and Contingency Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
33(a), (3)	67	Notification/Reporting to Sponsoring State following Incident	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
33	66-67	Preventing and responding to Incidents	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect, however needs to be the above exclusion for the reference to notifying the Sponsoring State
34	68	Notifiable events	Appropriate to include the Enterprise, save for the reference to notification of sponsoring states, as there is no sponsoring state of the Enterprise.
35	69	Human remains, archaeological or historical sites	Appropriate to include the Enterprise save for the reference to transmission of information to sponsoring states in (2), as there is no sponsoring state of the Enterprise.
35 Alt	70-71	Human remains, archaeological or historical sites	Appropriate to include the Enterprise save for the reference to consultation of the sponsoring state in (4alt bis), as there is no sponsoring state of the Enterprise

36	73	Insurance Obligations	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
37	74	Training Obligations	Inappropriate to include the Enterprise: Assuming that the Enterprise is not intended to have this obligation (as its personnel may be the recipient, rather than the providers of such training), it should be excluded here
37 bis	75	Transfer of Technology	Inappropriate to include the Enterprise: The Enterprise should be excluded here as it is envisaged by Arts 144(2), 170(4) to be the recipient of such technology, rather than the provider. If it is intended that the Enterprise is to transfer technology to e.g. developing States, this regulation could be amended to provide for this.
38	76	Annual Reporting	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect, save for the reference to (i) payments to and from the Sponsoring State, as there is no Sponsoring State of the Enterprise and (ii) changes to the Contractor's business structure as this appears inapposite for the Enterprise.
39	78	Books, records and samples	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
40	79-80	Prevention of corruption	Appropriate to include the Enterprise: Appropriate to have the same prohibition on the Enterprise in this respect, save for the reference to national anti-bribery and anti-corruption provisions in (2), which may only apply to the Enterprise's personnel, rather than the Enterprise itself.
41	80	Discovery of other Resource categories	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
42	81	Restrictions on advertisements, prospectuses and other notices	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
43	82	Compliance with other laws and regulations	Appropriate to include the Enterprise save for the reference to the laws of the Sponsoring State, as the Enterprise will not have a Sponsoring State
44	83	General Obligations relating to the Marine Environment	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect Note: The Enterprise has been explicitly included here, unnecessarily so in light of the proposed definitions of Contractor.

46	88	The Impact Assessment Process	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect save for the reference in (2)(d) to the Sponsoring State, as the Enterprise will not have a Sponsoring State
47	91	Environmental Impact Assessment	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
47 bis	92	Scoping in relation to EIA process	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
48	93	Environmental Impact Statement	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
48 bis	96	Triggers for New EIA	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
48 ter	98	Test Mining	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
48 ter Alt	98	Pilot Mining	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
49	101	Environmental Management and Monitoring	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
50	102	Environmental Management and Monitoring Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
50 bis	103	Reporting on Environmental Monitoring	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
50 ter	104	Environmental Management System	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
51	105	Compliance with Environmental Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect save for the reference in (3) and (4) to the Sponsoring State, as the Enterprise will not have a Sponsoring State
52	106-107	Performance assessments of the Environmental Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
53 bis	108	Pollution control	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.
53 ter	108	Mining Discharges	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect.

55	110	Purpose of Environmental Compensation Fund	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect save for the reference in (3) and (5) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
56	111	Funding Environmental Compensation Fund	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect Note: The Enterprise has been explicitly included here, unnecessarily so in light of the proposed definitions of Contractor.
57	112	Modification of a Plan of Work	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
58	113-115	Review of a Plan of Work	Appropriate to include the Enterprise save for (i) the reference in (1)(e) to changes in ownership of a Contractor, which are not apposite to the Enterprise and (ii) the reference in (2) and (5) to Sponsoring States, as the Enterprise does not have a Sponsoring State
59	116-117	Closure Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
60	118	Final Closure Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
61	119-120	Monitoring pursuant to Closure Plan	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
62	121	Equality of treatment	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
63	121	Incentives	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
64	122	Royalty Payment	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect However, as noted in the comment, in light of Article 10(3) of Annex IV to the Convention, the Enterprise is to be excluded from royalty payments during an initial period required for it to become self-supporting. It would be appropriate to provide for this explicitly, as a difference in treatment for the Enterprise compared to other Contractors.

64 bis	122	Equalization Measure	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect However, in light of Article 10(3) of Annex IV to the Convention, if proposed Equalization Measure will be a financial term of the contract within the meaning of Annex III Article 13, then it will be appropriate to exclude the Enterprise from payment of an Equalization Measure in the same initial period in which it is excluded from making royalty payments. In this case, it would be appropriate to provide for this explicitly, as a difference in treatment for the Enterprise compared to other Contractors.
66	123	Form of royalty returns	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
68	123	Loding royalty returns	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
69	124	Error in royalty returns	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
70	124	Payment of royalty	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
71	124-125	Information to be submitted	Appropriate to include the Enterprise save for the reference in (3) to the Sponsoring State, as the Enterprise will not have a Sponsoring State
72	125	Additional information on royalty	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
73	125	Overpayment of royalty	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
73bis	125	Underpayment of royalty	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
74	126	Keeping books and records	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
75	126	Audit by the Authority	Appropriate to include the Enterprise save for the reference in (5) to the Sponsoring State, as the Enterprise will not have a Sponsoring State
76	127-128	Assessment by the Authority	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect

77	128-129	Anti-avoidance rule	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect, save for (i) the reference in (2) to the Sponsoring State, as the Enterprise will not have a Sponsoring State and (ii) the reference in (4) to the Contractor's company principals being barred could be adjusted in the case of the Enterprise if differential treatment is intended.
78	130	Arm's-length adjustments	Inappropriate to include the Enterprise: The definition of Related Parties does not translate to the Enterprise. If it is intended for similar provisions on undervalue transactions will apply to the Enterprise, a specific provision should be drafted.
79	130	Interest on unpaid royalty	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
81	131	Review of system of payments	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
83	132	Recording in Seabed Mining Register	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
83 bis	133	Beneficial Ownership Registry	Inappropriate to include the Enterprise: The Enterprise will not have private beneficial ownership
84	134	Annual Reporting Fee	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
85	134	Annual fixed fee	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
86	136	Application fee	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
87	136	Other fees	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
89	138-139	Confidentiality of information	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect save for the reference in (3)(h) to (i) the Sponsoring State, as the Enterprise will not have a Sponsoring State; and (ii) beneficial ownership as the Enterprise is an organ of the Authority.
90	140-141	Procedures to ensure confidentiality	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect save for the reference in (6) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.

91	141-142	Information to be submitted upon expiration or termination of Exploitation Contact	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
92	142	Seabed Mining Register	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
93	145	Notice and general procedures	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
93 bis	145-146	State and Stakeholder Consultation	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
93 ter	147	Consultations with coastal states	Appropriate to include the Enterprise save for the reference in (3), (6) and (7) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
93 quarter	148	Consultation with coastal states	Appropriate to include the Enterprise save for the reference in (1) and (2) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
94	149	Adoption of Standards	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
95	150-151	Issuance of Guidelines	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
96	152-153	Inspections	Appropriate to include the Enterprise save for the reference in (4)(abis) and (4)(g) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
96 ter	154	Request for inspection in the event of harmful effects to Marine Environment	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
97 bis	155-156	Inspectors' Functions and Responsibilities	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
98	156	Inspectors' powers	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
99	157	Inspectors' power to issue instructions	Appropriate to include the Enterprise save for the reference in (2bis) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
100	159	Inspection Reports	Appropriate to include the Enterprise save for the reference in (1), (1bis), (2), (3), (3bis), to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
101	160	Complaints relating to Inspections	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
102	161	Compliance Committee Investigations	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect

102 bis	165	Compliance Notice	Appropriate to include the Enterprise save for the reference in (4) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
103	166	Non-compliance Notice, Suspension, and Termination of Exploitation Contract	Appropriate to include the Enterprise save for the references in (1), (4), (5) and (5bis) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
104	167	Power to take remedial action	Appropriate to include the Enterprise save for the reference in (1)(a) and (2) to the Sponsoring State, as the Enterprise will not have a Sponsoring State.
105	167	Sponsoring states securing contractor compliance	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
105 ter	167-168	Other member states	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
106	169	Settlement of disputes	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
107	170	Review of these Regulations	Appropriate to include the Enterprise save for the reference in (2) to its Sponsoring State, as the Enterprise will not have a Sponsoring State. Note: The Enterprise has been explicitly included here in addition to Contractors, but this is appropriate as <u>unlike</u> other Contractors, it does not have to make a request through its Sponsoring State. It would be appropriate to insert the underlined words "... any Contractor <u>other than the Enterprise</u> (through its Sponsoring State)..." if (2) is retained. (2) Alt does not require any adjustment if adopted.
Annex I	172ff	Application for approval of a Plan of Work	Appropriate to include the Enterprise save for the references in Section I 14, 15 and 16 to its Sponsoring State as the Enterprise will not have a Sponsoring State.
Annex III	177	Financing Plan	Appropriate to include the Enterprise save for the reference in (j) to the Contractor's ownership, parent company and subsidiaries which is inapposite in the case of the Enterprise.
Annex IV	180	Environmental Impact Statement	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Annex VII	224	Environmental Management and Monitoring Plan	Appropriate to include the Enterprise save for the reference in (2)(f) and (p) to the Sponsoring State as the Enterprise will not have a Sponsoring State.
Annex IX	229	Exploitation Contract	Appropriate to include the Enterprise save for the (i) Schedule 1 bis references to Certificate of Sponsorship as the Enterprise will not have one and (ii) the Schedule

			14 reference to the Parent Company Liability Statement which is inapposite in the case of the Enterprise.
Annex X	233-240	Standard clauses for Exploitation Contract	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect (noting the Section 11 provision for termination of sponsorship has been omitted)
Annex X bis	241	Design Criteria for IRZs and PRZs	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Annex XI	243-245	Parent Company Liability Statement	Inappropriate to include the Enterprise: There is no Managing Company of the Enterprise to have joint and several liability with.
Schedule	248	Definition of “Change of Control”	Inappropriate to include the Enterprise: This concept does not translate to the Enterprise as an organ of the Authority.
Schedule	248	Definition of “Commercial Production”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	248	Definition of “Contract Area”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	250	Definition of “Effective Control” and ALT Definition of “Effective Control”	Inappropriate to include the Enterprise: There is no Sponsoring State of the Enterprise
Schedule	251	Definition of “Environmental Management System”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	251	Definition of “Exploitation Contract”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	252	Definition of “Final Closure Plan”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	252	Definition of “Force Majeure”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	252	Definition of “Incidents Register”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	252	Definition of “Independent Auditor”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	254	Definition of “Parent Company Liability Statement”	Inappropriate to include the Enterprise: There is no Managing Company of the Enterprise.

Schedule	255	Definition of “Related Parties”	Inappropriate to include the Enterprise: This concept does not translate to the Enterprise as an organ of the Authority.
Schedule	256	Definition of “Transferee”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect
Schedule	256	Definition of “Transfer Profit Share”	Appropriate to include the Enterprise: Intended that the Enterprise operates as other Contractors do in this respect