

**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:

Institutional Matters

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

The Pew Charitable Trusts

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

DR 16

Red text is in original draft; **magenta text** indicates Pew's new textual proposals or support for a proposal from a range of options

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.

[2. If the Council does not take a decision on a recommendation for approval of a Plan of Work within 60 days or such other time period as has been established by the Council, the Plan of Work shall be deemed to have been approved by the Council at the end of that period.]

3. The Council shall disapprove a plan of work if any requirement of regulation 13 is not fulfilled.

4. The Council shall, when approving a Plan of Work, request the Secretary-General to ensure that the contract to be concluded incorporates all conditions outlined in the draft Plan of Work and the accompanying plans, as well as any additional conditions requested by the Commission or the Council.

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

As a general comment, we believe it is helpful to have this more fleshed-out regulation 16 (rather than the alt proposal), including the addition of new paras 3 and 4.

We prefer deleting para 2. While this is derived from paragraph 11 of section 3 to the Annex of the 1994 Agreement, we would urge the Council not to allow this situation to occur, which could see a plan of work for exploitation inadvertently approved by default and without positive approval from the Council. A mechanism could be implemented to ensure the 60-day period does not lapse without decision from the Council - for example there should be an automatic extension of the time period, if the Council is not due to meet within that 60-day deadline. (We note as well, in relation to this provision, that it also does not include an equivalent presumption of deemed disapproval, where the recommendation from the LTC was for disapproval, which seems one-sided. Also the provision seems ambiguous from when the 60-day time limit runs).