

**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.im](mailto:council@isa.org.im).*

**1. Name of Working Group:**

President's Text

**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 33

\*Blue font are proposed amendments by the Council President.

\*Pew's amendments are indicated as in-line edits in red font.

**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. The Contractor shall ~~suspend not proceed or continue with~~ Exploitation if it is reasonably foreseeable [or likely] that proceeding or continuing would cause or contribute to an Incident, or prevent the effective management of such Incident.

~~2bis. The Secretary-General upon notification of an Incident shall notify States, and any other marine users, who may be at risk of being affected.~~

~~4. The Secretary-General shall report such Incidents and measures taken to the Commission and the Council at their next available meeting.~~

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

**Para 1:** Para 1 requires the Contractor to 'not proceed or continue with Exploitation'. We query whether this is a 'suspension' and if so, why the word has not been used here, where it is used in several other Regulations. Indeed, we note that in DR28, a Contractor must suspend production where necessary to protect the marine environment, or human health etc. DR28 then has a notification, and recommencement process, which is different to that in this DR33. It seems possible that the triggers to suspensions described in DR28, would also constitute an 'Incident' thus triggering DR33. It may be conflicting and/or duplicative to have two separate and different processes apply to the same incident. We therefore suggest these two provisions be aligned, for example, by specifying in DR28 that where the circumstances described are an Incident, then DR33 should be followed, in place of the processes set out in DR28(3) and (4).

**Para 2:** We consider that it would be more appropriate that the Secretary-General notify persons at risk of being affected in the event of an Incident, rather than to leave that responsibility to the Contractor, we suggest to remove 'relevant adjacent coastal state's from the Contractor's reporting duty in 2(a), and to instead add a new 2bis requiring the Secretary-General to make those notifications to any States, or any marine users, who may be at risk of being affected by the Incident.

**Para 4:** We believe paragraph (4) can be deleted as its contents is replicated in paragraph 4 bis(c)