

**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.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 36

*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.

3. The obligation under an exploitation contract to maintain insurance as specified in these [Regulations and the relevant Standards and Guidelines](#) is a fundamental term of the contract. Should a Contractor fail to maintain the insurance required under these regulations, the [\[Compliance Committee\]Secretary-General](#) shall issue a compliance ~~notice order~~ under regulation 103. [\[The Contractor must suspend mining operations as soon as it no longer fulfils the obligation to maintain insurance\].](#) ~~The Secretary-General shall notify the Council immediately [at its next available meeting] of such failure, and the corrective measures taken by the Contractor.~~

5. A Contractor shall notify the [\[Compliance Committee\]\[Commission\]\[Council\]](#) through the Secretary-General [\[as soon as practicable practicably possible\] immediately](#) if the insurer terminates the policy or modifies the terms of insurance, in which case paragraphs (3) or (4) shall apply, as relevant.

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

Para 3: We support in principle the suspension requirement over the issuance of a compliance notice under this paragraph but note that this will need to be aligned with the decisions made regarding DR 103, and which ISA organ has appropriate authority to issue a suspension.

We also recommend deletion of paragraph (3)'s final line about reporting, as it conflicts with DR103, which (as currently drafted) requires immediate report to the Council upon issue of any compliance notice.

Para 5: It would be helpful if DR36(5) also describes what the SG or contractor will do and how any modifications to the insurance will be evaluated, in the event of such notification / termination of insurance. Presumably the SG would notify a decision-making organ of the ISA who would then decide if the modifications trigger actions under paragraphs (3) or (4).

