

**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:**

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 42

\*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.**

No statement shall be made in any prospectus, notice, circular, advertisement, press release or similar document issued by the Contractor, or ~~to the knowledge~~ with the express or implied permission of the Contractor, or in any other manner or through any other medium, claiming or suggesting, whether expressly or by implication, that the Authority has or has formed or expressed an opinion over the ~~likelihood of a future award of an Exploitation contract, or the~~ commercial viability of Exploitation in the Contract Area.

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

On DR 42, we suggest deletion of the wording 'to the knowledge' in line 2, as this would make the provision more objective and demonstrable. We also suggest that representations should be prohibited with regards the likely award by the ISA of a future contract. There is a concern that prospective applicants may over-presume the ISA's position in fundraising, which may lead to undue pressure on ISA decision-making and/or litigation embroiling the ISA, which may be avoided by a clear statement in this provision. And we'll submit our edits in writing to that effect.