

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*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:**

Protection and Preservation of the Marine Environment

**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 44

**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.**

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

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

As a general comment, we thank Spain and others for their work on streamlining this text and generally support moving forward on the basis of this briefer and clearer iteration presented in DR44 Alt.

The requirement for LTC recommendations in paragraph (2), in relation to subparagraphs (1)(a-f), seems unhelpfully vague as it is not clear to us when these recommendations should be provided. We think it must mean prior to the consideration of a Plan of Work, though this is not stated. It is also not clear how these recommendations should be provided. The LTC exists as a body to make recommendations to the ISA Council, not to Contractors, and individual States. We think these are matters that should be addressed via Standards and Guidelines. As such, it would be helpful to have greater clarity as to how these provisions are, or could be, reflected in the Phase 1 and 2 S&Gs and relate to the list of Standards in regulation 45.

We do welcome the inclusion of flag states as an important part of the regulatory framework for activities in the Area. However not all flag States are members of the ISA. We are unclear then, if these regulations are aiming to bind non-members of the ISA, where it refers to flag states? We believe that is not possible. We recommend that the Regulations should specify that contractors must register their vessels with flag states who are members of the ISA (or ideally with their sponsoring State). This would avoid a regulatory loophole that may arise where a flag

state is used that is not a member of the ISA, and so is not bound by these regulations. This is not currently included in the regulations.