

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

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(s) of Delegation(s) making the proposal:

The Pew Charitable Trusts

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

Draft regulation 10

3. 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. Alt. In case an application is lodged for the same area for which an operator has preference and priority in accordance with Article 10 of Annex III first sentence, the Secretary-General shall, after having made the determinations under paragraphs 1 and 2 of this Regulation, forward the application to the Commission. The Commission shall make a recommendation as to whether the operator’s performance has or has not been satisfactory in accordance with Article 10 of Annex III based on which the Council shall decide whether the operator’s preference and priority shall be withdrawn in accordance with Article 10 of Annex III second sentence.]

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

Like Costa Rica and Jamaica, we believe both paragraph 3 and 3alt should be retained as they seem to address different issues. Paragraph (3) establishes whether there are rival applications one of whom has preference and priority. In the event that there are rival applications, (3)(alt) then looks at whether the past track record of an applicant could cause them to lose preference and priority.

As mentioned in our submission on DR8, we support the importance of paragraph (5) but suggest this is re-located to DR8 which relates to the area covered by the application. DR8 has other important eligibility requirements under UNCLOS and the 1994 Agreement for access to a reserved area, so we believe it would be better placed there.