

**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 12

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.

1. bis Subject to paragraph 1 ter. and to Regulation 11(4), The Commission shall commence the consideration of an application at its next meeting after receipt of the application ~~{within 30 Days of its receipt of the application}~~[provided that the notifications and information pursuant to Regulation 11(1)-(2 ter) have been circulated at least ~~[30]~~[90] Days prior to the commencement of that meeting of the Commission.]

(...)

2. The Commission shall consider applications ~~in an efficient manner expeditiously and shall endeavour to~~

~~submit its reports and recommendations to the Council no later than [120]/[180] Days from whichever date occurs later out of:~~

~~(a) The close of the comment period, in accordance with Regulation 11(1)(a);~~

~~(b) The date of submission of a revised plan, in accordance with Regulation 11(2 bis); or~~

~~(c) The date the Commission receives additional information or amendments to the Plan of Work requested by the Commission under Regulation 14.~~

Recommend moving paragraphs 3/3alt to DR 13

Recommend harmonization of 3bis with DR 11 1(c) and (6)

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

As mentioned by the UK, Japan, Chile, Australia, India, we recommend deletion of ‘within 30 day’ requirement for the LTC to meet following the submission of an application.

Like Costa Rica, Chile, Germany, France, Australia, Jamaica, and Netherlands. we do not believe there should be a time limit by which the LTC should complete its evaluation and submit a report to the Council, even an indicative one. We have provided some suggested language but note that Australia planned to submit language along these lines as well and so are flexible.

With regards paragraphs (3) and (3)(alt), we like (3)(alt)'s comprehensive reference to the relevant principles that should apply to the LTC's review. We do wonder if this content might be better placed in DR13 since it provides criteria for evaluation of the application. Whichever paragraph is retained we strongly support the inclusion at the end of the important stipulation that the LTC may not recommend approval of a plan of work that does not comply with the necessary requirements.

With regards paragraphs to (3)(bis), If the same point about the LTC's access to external experts is already covered in either DR11(1)(c) or DR 11(6), then it seems this DR 12(3)(bis) may be deleted as duplicative. Though we also note that (3)(bis) contains some useful detail about how the expertise would be sought, that we would like to see captured. The processes for accessing expertise may be best situated in a Standard or policy document about use of experts, which we highly recommend the Council adds to the list of necessary documents to be produced alongside these Regulations, given the number of references to use of experts throughout the document, and the lack of publicly available procedures in place currently at the ISA for procurement of independent experts.

For para (4)(a)ter), with regard to the UK's question we believe this refers to Art 163(13) which provides that the LTC may consult any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject-matter of such consultation. We don't believe this was our proposal but we suspect that the underlying rationale is to require that where such reports are obtained from UN agencies and so on, they should be given due regard. This seems fitting, recognizing some of the Council previous discussions about the need for enhanced coordination between the ISA and other international processes and agencies.