

**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 16

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. The Council shall consider the reports and recommendations of the Commission [and any other relevant subsidiary body established in accordance with the Convention and the Agreement,] relating to approval of Plans of Work in accordance with paragraph 11 and paragraph 12 of Section 3 of the Annex to the Agreement, after due consideration, and within 60 ~~D~~days unless the Council decides to provide for a longer period, the Council shall approve or disapprove the Plan of Work.

~~[2. If the Council does not take a decision on a recommendation for approval of a Plan of Work within 60 Ddays or such other time period as has been established by the Council, the Plan of Work shall be deemed to have been approved by the Council at the end of that period.]~~

~~3. The Council shall disapprove a plan of work if any requirement of Regulation 13 is not fulfilled.~~

~~3. At:^{bis} The Council shall, when approving a Plan of Work, request the Secretary-General to ensure that the contract to be concluded incorporates all conditions outlined in the draft Plan of Work and the accompanying plans, as well as any additional conditions requested by the Commission or the Council.~~

~~4. The Council shall consider the reports and recommendations of the Commission relating to approval of Plans of Work in accordance with paragraph 11 of Section 3 of the Annex to the Agreement.~~

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

For paragraph 1, as noted by the UK, it seems that’s the reports/comments of other subsidiary bodies, such as the Finance Committee, would be incorporated into the report of the LTC. As such, we wonder if reference to these bodies in 1 could be deleted.

For DR16, as mentioned by Costa Rica, Belgium, Germany, and Denmark we prefer deleting paragraph (2). While we appreciate that this wording is derived from paragraph 11 of section 3 to the Annex of the 1994 Agreement, we would urge the Council not to allow the situation to occur where a Plan of Work for Exploitation is inadvertently approved by default and without positive approval from the Council. Instead, a mechanism could be implemented to ensure the 60-day period does not lapse without decision from the Council. For example, there should be an automatic extension of the time period, if the Council is not due to meet within that 60-day deadline. We note as well that DR16 does not include an equivalent presumption for disapproval, where the recommendation from the LTC was for disapproval but the Council does not take a decision in time, which seems

one-sided. Also, paragraph (2) is silent as to the date from which the 60-day time limit runs, creating unhelpful ambiguity for a provision with potentially huge consequences.

Like Costa Rica, Germany and Italy, we consider Paragraph (3)(alt) would be in addition to paragraph (3). As such, the numbering should be amended accordingly to DR16(3)(bis).

Paragraph (4) can be deleted, as paragraph (1) covers the same point.