

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> 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](mailto: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 5

**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.**

Support (3)(b)bis

[(e) All information necessary to demonstrate that the Contractor will, throughout the term of their contract, for the purposes of Exploitation and ~~ancillary~~ **Relevant Activities**, only use vessels flagged to registries of States that are Members of the Authority, and only use ports located in States that are Members of the Authority, except where non-Member States accept to be bound by the rules, regulations and procedures of the Authority relating to compliance and enforcement, to ensure the Authority can rely upon and require the cooperation of those States for the purpose of securing compliance with the rules, regulations and procedures of the Authority.]

Support (6)

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

Like Canada, we support (3)(b)(bis) and the additional reference to 83bis on beneficial owner registry.

Like Australia, Germany, Italy, France, Costa Rica, Netherlands and Belgium, we support insertion of we 3(e). We note the amount of interest on this provision by member States and the implications of it. We believe that in future meetings the Council would benefit from a thematic topic discussion on jurisdictional issues more broadly. Pew has just released a paper on this topic which goes into detail why such a conversation is needed ([link](#)). We think such a discussion may also benefit from engagement with other organizations such as the IMO.

We note that a new defined term has been added to the Schedule to the Regulations for ‘**Relevant Activities**’, which means ‘all activities and business operations which are connected or associated with the mining, harvesting, transporting, processing and/or sale of Minerals or Metals obtained under an Exploitation Contract’. This term could be used instead of ‘ancillary activities’ here, and in DR18(bis)(1)(quat.) also.

Like Germany, France, Netherlands and Belgium we support paragraph (6). UNCLOS Annex III mandates the ISA to set out in Regulations the criteria and procedures for implementation of State sponsorship requirements. UNCLOS also requires sponsoring States to ensure contractor compliance via domestic laws and administrative matters. However, research shows that not all sponsoring States have put comprehensive laws and measures in place yet. Absence of adequate domestic law in sponsoring States compromises the integrity of the regulatory regime for activities in the Area and could lead to an inability to enforce contractor compliance, or to seek redress for harm suffered. Paragraph (6) therefore strikes us as a sensible measure.