

**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.**

42

**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.**

**Regulation 42**

**Restrictions on [advertisements, prospectuses and other notices][~~misleading statements~~]**

No statement shall be made in any

(a) prospectus, notice, circular, advertisement, press release or similar document issued by ~~the~~ an applicant or Contractor, or ~~to the knowledge~~ with the express or implied permission of ~~the~~ an applicant or Contractor, or in any other manner or through any other medium, ~~or~~

(b) communication or publication from or by, or with the express or implied permission of, any representative, or purported representative of the Authority unless issued pursuant to these Regulations or express authority from the Assembly or Council,

claiming or suggesting, whether expressly or by implication, that the Authority has or has formed or expressed ~~an~~ opinion over the commercial viability of Exploitation in the Contract Area or that any future decision at the discretion of the Authority, with relevance to an applicant or Contractor, will be exercised in a particular way.

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

We support deletion of the wording ‘to the knowledge’ in DR42, making the provision more objective and demonstrable.

We consider that the ISA should take steps to prohibit representations by contract applicants or Contractors about how future decisions by the ISA may be exercised, for example the likely award by the ISA to the Contractor of a future contract or contract extension. The rationale for this proposal is to avoid prospective applicants or Contractors over-presuming the ISA’s position in their discussions with investors or other stakeholders, which may in turn lead to undue pressure on ISA decision-making and/or litigation embroiling the ISA. To the extent this can be avoided by a clear statement in this DR42, we recommend it.

We also consider there should be an equivalent provision in the draft Regulations, in line with the principle of non-discrimination, preventing representatives of the Authority from undertaking activities that could demonstrate (or give a reasonable perception of) one Contractor being promoted or otherwise preferred (above others), and have suggested a textual amendment and a new sub-paragraph format for DR42, to reflect this. We also propose a change in regulation title, accordingly.