

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

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 of Working Group:**

Informal Working Group on Institutional Matters

**2. Name(s) of Delegation(s) making the proposal:**

The Pew Charitable Trusts

**3. Please indicate the relevant provision to which the textual proposal refers.**

DR 10

**4. 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 [Secretary-General] shall conduct a preliminary review an application for approval of a Plan of Work and determine whether ~~an~~the application [~~is complete~~ **contains all the information required by Regulation 7**] for further processing.

~~[1 bis. In case there is a potential applicant who has preference and priority in the same area and same Resource category for which another application has been received under Exploration contract, the Secretary General shall confirm the intention of such a potential applicant to apply]~~

~~1 ter. Should there be more than one application for the same area and same Resource category, the [Secretary General] shall determine whether the applicant has preference and priority in accordance with article 10 of annex III to the Convention and relevant Guidelines[, and in case of any dispute, it shall be submitted to the Commission to make recommendations, upon which the Council shall make the decision.]~~

~~1 ter. alt.~~ Should there be more than one application for the same area and same Resource category, the ~~Secretary General shall determine~~ **[Commission shall make recommendations to the Council on]** whether the applicant has preference and priority in accordance with Article 10 of Annex III to the Convention and relevant Guidelines.

~~[1 quat. The Secretary General shall notify the members of the Authority of the determination made, if any, as to whether the applicant has preference and priority.]~~

~~[1 quin. Where the application concerns a Reserved Area, the Enterprise shall be given an opportunity to decide whether it intends to carry out activities in the area in accordance with article 9 of annex III to the Convention and section 2 of the annex to the Agreement].~~

2. Where the Secretary-General determines an application [~~is not complete~~ **does not contain all the information required by Regulation 7**] the Secretary-General shall, within 45 Days of receipt of the application, notify the applicant, specifying the information which the

applicant must submit in order to complete the application, ~~[together with a justification in writing as to why the information is necessary]~~ and a date by which the application must be completed. Further processing of an application will not begin until the Secretary-General determines that the application is complete, which includes payment of the administrative fee specified in appendix II. **[An application will not be processed further if there is another potential applicant who has a preference and priority and an intention to apply in accordance with regulation 10 (1)].**

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

On para 1, cross reference to DR 7 will be helpful to clarify the administrative nature of the preliminary review.

We believe 1bis and 1ter can be deleted. 1bis needs more detail to work to determine what is meant by 'preference and priority'. Does it simply mean having held an Exploration contract previously for that site?. It also is unclear what happens if that other party confirms that they do wish to apply for that site? Or if they wish to apply, but are not ready to do so immediately and how long they have until they apply before their 'priority and preference' is lost? We find 1ter alt more appropriate allocating the role of evaluation to the LTC and ensuring the Council is the decision maker in determining preference and priority.

As a drafting suggestion, we think 1quat could be merged into DR9(1)(c)(i) so as to make a single combined notification to member States.

We support the insertion of paragraph 1quin and amendments in para 2.