

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

*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:** Inspection, Compliance and Enforcement
2. **Name(s) of Delegation(s) making the proposal:** Australia
3. **Please indicate the relevant provision to which the textual proposal refers.**

DR 96 alternative regulation - proposed amendments are in green text

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.**

**Alt. Regulation 96**

**Inspections: mechanism**

1. The Council, hereby establishes a roster of Inspectors on the basis of the recommendations of the Commission, as the appropriate mechanism for the independent inspection, of activities conducted in the Area to determine whether the Rules of the Authority, and the terms and conditions of any contract with the Authority are being complied with.

[1 bis Inspections shall be undertaken by Inspectors who meet the qualification requirements set out by the Council pursuant to Regulation 97(1). The Inspectors shall be guided by transparency, accountability, independence, and the precautionary approach. In their election, equitable geographical representation and gender balance shall be taken into account.]

1 bis The Commission shall establish a Compliance Committee pursuant to regulation 96 bis to assist the Council in carrying out its responsibility to exercise control over activities in the Area, including directing and supervising the roster of Inspectors and inspection programme.

1 ter The Compliance Committee shall, subject to the approval of the Council, appoint an officer with suitable qualifications and appropriate experience in compliance assurance, and health, safety and environment in marine mining or other related marine extractive industries, to be Chief Inspector. The Chief Inspector shall report to the Compliance Committee and shall undertake the day-to-day management and administration of the roster of Inspectors and inspection programme under the direction of the Committee and other related duties set out by the Committee in writing.

1. quarter. The Council shall on the basis of the recommendations of the Commission approve and maintain a code of conduct for Inspectors and inspections, prior to the approval of a plan of work, that takes into account the principles in paragraph (1) and includes provisions on identifying and

managing conflicts of interest, and on information management and confidentiality.

2. A Contractor shall permit the Authority to send its Inspectors, who shall upon request by sponsoring States, any other State Party or other party concerned be accompanied by a representative of the Sponsoring State, other State Party or other party concerned, aboard all vessels and Installations used in the Area by the Contractor to carry out Exploitation activities under an exploitation contract. To that end, States Parties, in particular any State or States in whose national jurisdiction or on whose vessel the Authority wishes to conduct inspection activities, shall assist the Compliance Committee, the Chief Inspector and Inspectors in discharging their functions under the Rules of the Authority.

[2 bis. Nothing in these regulations shall be construed in any way inconsistently with the exclusive jurisdiction of the flag State over its vessels on the high seas as reflected in article 92 of the Convention; nor the enforcement rights of port States as reflected in article 218 of the Convention.]

3. The Contractor, [its subcontractors] and its agents and employees shall cooperate with [the] Inspectors and give full assistance to [the] Inspectors in the performance of their duties, and shall:

(a) Accept and facilitate the prompt and safe boarding and disembarkation of vessels and Installations [used in the Area and in connection with activities in the Area] by Inspectors;

(d) Provide access to relevant monitoring equipment, books, documents, papers and records to determine compliance with terms and conditions of a contract and these Regulations including with the financial payments terms and to verify the expenditures referred to in the Plan of Work [and provide passwords where that is needed];

(f) Accept the deployment of remote real-time monitoring and surveillance equipment, [] by the Inspectorate and facilitate the activities of Inspectors to observe [and inspect the Contractor's monitoring operations, including access to monitoring and surveillance equipment ~~the Contractor's monitoring operations.~~];

(g) Not obstruct, intimidate or interfere with Inspectors in the performance of their duties, ~~for representatives of sponsoring States, any other State Party, or other party concerned who accompany these Inspectors, as identified in paragraph 2 of this Regulation~~ [or any persons accompanying an Inspector pursuant to paragraph 2].

4. In the event of Harm to the Marine Environment and the livelihood of any coastal community, adjacent coastal States which have grounds for believing such harm is caused by activities in the Area, shall notify the Secretary-General in writing through appropriate channels of the grounds upon which such belief is based and request an inspection.

5. The Secretary-General, upon the notification of a Member State, shall promptly initiate inspection, and invite representatives of coastal States to participate in the inspection, no later than 24 hours after such notification was made by the States to assess whether pollution the harm is attributable to activities in the Area.

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

Australia submits that if alternative regulation 96 is preferred, Australia proposes that some aspects from Regulation 96 that have been removed from alternative regulation 96 are retained and included in alternative regulation 96. This would include, from DR96, sub-paragraphs (5)(a), (5)(d), (5)(f), (5)(g) as well as new provisions 96(7) and (8), which Australia views as valuable additions.