

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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 96ter

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 Chief Inspector shall give reasonable notice to a Contractor of the projected time and duration of inspections ~~for a period as necessary~~, the names of the Inspector(s) and any activities that the Inspector(s) are to perform that are likely to require the availability of special equipment or special assistance from the personnel of the Contractor.
3. Inspectors may inspect any relevant documents ~~[or items]~~ necessary to monitor a Contractor’s compliance under its exploitation contract and the Rules of the Authority ~~which include~~ inter alia, all recorded data and samples and any vessel or Installation, including its log, equipment, records and facilities, as well as interview personnel.
4. The Contractor, and its agents and employees ~~[and subcontractors]~~ 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;
 - (a) bis. Keep the Chief Inspector and sponsoring State or States notified of proposed vessel schedules including support and supply vessels, and inform the Chief Inspector at least 30 Days before any vessel commences its voyage to a Contractor’s Contract Area to facilitate the conveyance of Inspectors and representatives of the sponsoring State or States, where appropriate ~~and to immediately inform the Chief Inspector if there is a change to proposed vessel schedules due to operational, logistical or unforeseen circumstances;~~...
- 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, ~~where required~~ by the Compliance Committee and/or Chief Inspector and facilitate the activities of Inspectors to observe the Contractor's monitoring operations....

6. Inspectors shall:

(a) Carry out inspections in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of life at sea, and where appropriate follow instructions and directions pertaining to the safety of life at sea given to them by the Contractor and the master of the vessel; ~~with due regard to the observance of good seamanship and~~

(b) ~~Refrain from any undue interference~~not duly interfere with the safe and normal operations of the Contractor and of vessels and Installations, ~~unless the Inspector has reasonable grounds for believing that the Contractor is operating in breach of its obligations under an exploitation contract.~~

(b) bis. Comply ~~to the~~with Authority's code of conduct for inspectors and inspections established pursuant to draft regulations 96 (1) bis.

(c) Indicate in their reports all vessels, installations, equipment, facilities, data and samples monitored or otherwise examined, all documents reviewed or copied, all questions posed to the Contractor or any personnel.

7. The Compliance Committee/Chief Inspector], upon the notification of any Member State on reasonable grounds that an inspection is expedient to prevent Contractor non-compliance or harm to the Marine Environment, shall promptly initiate inspection.

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

We support the wording for DR96ter, though, like with the original text, would suggest deleting in paragraph (1) the wording 'for a period as necessary', and to include in paragraph (3) 'or items' to cover the matters then listed that are not documents e.g. samples, vessel, equipment etc.

Regarding paragraph 4, if the defined term 'Contractor' includes employees, subcontractors, and agents (as it is drafted); then here (and throughout the Regulations) the drafting can be simplified to remove extraneous references to agents, employees etc. If it doesn't, then 'subcontractors' should be added here.

Regarding paragraph 4(a)bis, the original version of the text included a need for the Contractor to inform of any change to vessel schedules. We suggest that it be reinserted. For paragraph 4(d) we also recommend reinsertion of requirement for contractors to provide access to passwords to documents where necessary.

In paragraph 4(f), we would include a role for the Chief Inspector, in addition to the Compliance Committee. We would also delete the phrase "where required" in line 2. Real-time monitoring and surveillance equipment will be an important source of

information and should be standard practice for all, as a level playing field, not discretionary on a case-by-case basis.

In paragraph 6(a), the original text had 'with due regard to the observance of good seamanship' deleted. We believe it should be deleted here as well as duplicative of the rest of sub-paragraph. We believe paragraph 6(b) should also be revert back to the original text.

Lastly, paragraphs 7 and 8 of original text DR96 have been omitted from the Alt text. These provisions refer to the rights of States to request an inspection. We suggest they be added, but recommend simplifying them into one regulation which applies to all States.