

**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:**

The Pew Charitable Trusts

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

DR 102

**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.**

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

2. All installations, **vesselships** and mining collectors involved in exploitation activities under the Exploitation contract shall be fitted with:

(a) an electronic monitoring system which shall record, where technically feasible in real time, inter alia, the date, time and position of all mining activities, and environmental data, [including Underwater Cultural Heritage]; and

(b) The electronic monitoring system shall also encompass the monitoring of the environment, implementing the obligations under Regulation [46ter], allowing for adaptive management during the mining operation.

(c) a satellite tracking system to enable identification of each **vesselship** and determination of its position, navigation status, course and speed. The detail and frequency of reporting shall be in accordance with the Standards and taking into account the Guidelines.

**2 bis. The Contractor shall use the best-available environmental techniques to monitor in real-time, [where practicable] and in the actual environment the mining impact, including the removal of mineral resources, plume dispersal, chemical emissions, introduction of pollutants including light and sound, [The electronic monitoring system shall be in accordance with the Environmental Monitoring and Management Plan.**

~~2 ter. The electronic monitoring system [should][shall] also encompass the monitoring of mining impacts and be in accordance with the Environmental Monitoring and Management Plan, as well as include a survey of the seabed to identify Underwater Cultural Heritage implementing the obligations under~~

~~Regulation 46, [allowing for adaptive management during the mining operation].~~

3. The Compliance Committee shall notify the [Contractor and the] sponsoring State or States and shall issue a compliance notice under regulation 103, where there is reasonable evidence to suggest based on the data transmitted to the Authority that unapproved [or unreported] mining activities [or Environmental Effects] have occurred or are occurring.

*Regarding sub para 3, we suggest adding 'unreported' to 'unapproved' in paragraph (3), as this would cover – for example – where a Contractor is mining within their Plan of Work but is not reporting accurate quantities of ore, for royalty purposes.*

*We would also suggest adding 'or Environmental Effects' to 'mining activities' as again there may be a scenario where the Contractor's activities fall within the Plan of Work, but the impacts they are having do not.*

*regarding para 5, we believe it is critical to keep the final sentence to provide additional transparency and help build public trust in both the contractors operations and the ISA's oversight and procedures.*

~~3 bis. — The Environmental Monitoring and Management Plan shall include:~~

~~—(a) a description of the monitoring technology and system to be implemented, including the types of data to be collected and monitored, and frequency of monitoring and data that can be collected and monitored in real time;~~

~~—(b) a description of how the monitoring data will be transmitted during operations, how the data will be labelled and monitored by qualified personnel, and how the data will be stored;~~

~~—(c) the qualifications and proposed location of the personnel monitoring the data; and~~

~~—(d) a description of the procedures for providing the Authority and the sponsoring State or States access to or receipt of the monitoring data for the purposes of monitoring compliance with the terms of an exploitation contract and collection of data.~~

~~4. — A Contractor shall permit the Inspectors having access to any monitoring or surveillance systems and equipment.~~

5. All data received and transmitted to the Authority under this regulation shall be transmitted to the sponsoring State or States {and non-confidential data be made publicly available in real time on the Authority's website}.

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