

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal:

The Kingdom of the Netherlands and Norway

2. Please indicate the relevant provision to which the textual proposal refers.

DR96ter

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.

Green are track changes in the original text. The track changes highlighted in yellow represent our suggestions.

Regulation 96 ter [IWG ICE]

Access to inspections

1. The Inspector decides upon the manner of execution of the inspections. Inspections may be carried out announced, unannounced, remotely, virtually or onsite, or a combination of these.

1 bis. The [Chief Inspector] [alt: Inspector] shall give reasonable notice, which may vary depending upon the chosen manner of execution pursuant to paragraph 1, to a Contractor of the inspection. This notice shall contain:

a) information about the manner of execution of the planned inspection;

c) the projected time and duration of inspections,

d) the names-number of the Inspector(s); and

e) 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. ~~The activities of the Inspector(s) should in any case not [unnecessarily] impede activities in the Area unless otherwise provided in these Regulations.~~

2. [Where the Compliance Committee or the Chief Inspector have reasonable grounds to consider the matter to be so urgent that reasonable notice cannot be given, the Compliance Committee or the Chief Inspector shall instruct an Inspector to conduct an [impromptu] inspection, notwithstanding paragraph 1bis, without prior notification to a Contractor, [without prior notification,] and shall cooperate with a Contractor to conduct the inspection as soon as practically possible.]

[...]

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

[...]

(a) ter Within ~~seven business 7 De~~ days of the Chief Inspector informing the Contractor that the Inspector(s) would like to conduct an **announced** inspection of a Contractor's ship or Installation, the Contractor shall inform the Chief Inspector of the next date a ship will commence its voyage to the Contractor's Contract Area;-

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

Effective supervision of compliance is a matter of priority. In order to achieve that, we consider that Inspectors need more tools than are currently provided to them in the current draft. We base this observation on our experience in overseeing the offshore oil and gas extraction industry in national waters. We also hold the position that various forms of inspections are an important element of effective supervision and a common practice in our national inspection mechanism on the offshore oil and gas extraction industry. This includes remote supervision technologies, which are especially relevant in the case of deep sea mining. Therefore, we have added the above textual proposals to Article 96ter, paragraphs 1, 1bis, 2, and 4(a).

Paragraph 1 provides the Inspector with the power to decide upon the manner of execution of the inspections. Paragraph 1bis provides that the Inspector/Chief Inspector shall give reasonable notice depending upon this chosen manner of execution. From reading these two paragraphs together, one can conclude that if the chosen manner of execution, for example unannounced, is one where safety requires the Inspector/Chief Inspector to give reasonable notice, the Inspector/Chief Inspector can do so.

In paragraph 1bis, we have added the alternative 'Inspector'. Since there is no consensus yet on an ICE mechanism nor on the role of the Chief Inspector, we propose these two alternatives as a basis for further deliberations.

Furthermore, in paragraph 1bis(d), we have deleted the requirement to give notice of the names of the Inspector(s) due to privacy reasons.

Specifically with regards to the last sentence of paragraph 1bis, it can be the case that an Inspector might impede activities, without this being the intention at all. We do not consider that such would constitute a violation of the Regulations by the Inspector, if it were to coincidentally occur. Therefore, we propose to delete this sentence entirely.