

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31st SESSION: COUNCIL
- PART II**

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:

Japan and the Kingdom of the Netherlands

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

Draft Regulation 96bis

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.

1. The Inspector decides upon the manner of execution of the inspections [in accordance with any applicable Standard and taking into account the Guidelines]. Inspections may be carried out ~~[announced, unannounced, remotely, virtually or onsite [at a Contractor’s ship, installation, or office premises], or a combination of these.~~

- a) onsite at a Contractor’s ship or installation,
- b) remotely or virtually, or
- c) a combination of these. }

~~[1. Alt. The Inspector shall determine the manner of execution of inspection which shall be carried out without notice either physically or virtually.]~~

1.bis ~~is [For an announced inspection,] The~~ In the event of an onsite inspection, the Chief Inspector shall give ~~[adequate]/[reasonable]~~ [adequate] [written] notice, ~~[which may vary] depending upon the chosen manner of [execution]/[inspection] pursuant to paragraph 1,] to a Contractor reasonably in advance of the inspection.~~ to a Contractor [and Sponsoring State]. This notice shall contain:

- (a) information about the manner of execution of the planned inspection;
- (b) the projected time and duration of inspections;
- (c) the number of the Inspector(s); and

(d) 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.

~~[2. Where the~~The Compliance Committee or the Chief Inspector ~~[have reasonable grounds to consider the matter to be so urgent that reasonable [written] notice cannot be given,] the Compliance Committee or the Chief Inspector shall~~may instruct an Inspector to conduct an ~~[unannounced]/[impromptu]~~ inspection, in which case, ~~[notwithstanding paragraph 1. bis,] / [and provide written notice to the Contractors as soon as practicable,] without prior notification to a .,], it will suffice to notify the Contractor ~~[without~~immediately prior notification,] to the inspection. The Inspector and the Contractor shall cooperate with a Contractor to each other to ensure the safe conduct the inspection as soon as practically possible.] [In such cases, the Contractor shall be immediately informed of the inspection urgency and the scope to facilitate compliance and minimize disruption.]]]~~

~~[3. [2. Alt. Where the Chief Inspector has reasonable grounds to conduct an inspection, without given an adequate notice, the Chief Inspector shall direct an Inspector to conduct an [unscheduled]/[unannounced] inspection despite any contrary provisions on any of these Regulations and shall cooperate with a Contractor to conduct the inspection within a specified timeframe.]~~

~~[2. bis~~In the event of a remote or virtual inspection, the Inspector may refrain from sending a prior [written] notice to the Contractor or Sponsoring State.]

~~[4. [The Inspector shall, upon request by any State Party or other party concerned, be accompanied by a representative of such [Sponsoring] State or other party concerned when carrying out the inspection.]]~~

~~5. In the event of an onsite inspection, the~~~~[3. ———~~ Inspectors ~~[may]/[shall], [in accordance with these Regulations,] inspect any relevant [areas], documents, items, or digital information [and [interview]/[question] any personnel] necessary to monitor a Contractor's compliance under its Exploitation Contract and the rules, regulations and procedures of the Authority which include inter alia, all recorded data and samples and any ships or Installations used by the Contractor to carry out Exploitation activities and activities related to such Exploitation activities in the Area, including its log, equipment, records and facilities, as well as interview relevant personnel. [The Inspector shall have the authority to [reasonably] take copies or samples as needed for further analysis] [and shall not make public any information, categorised as confidential as recognised under regulation 89].]~~

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

(a) accept and facilitate the prompt and [safe boarding]/[embarkation] and disembarkation of ships and Installations used to carry out Exploitation activities and activities related to such activities in the Area by Inspectors;

(a) bis [to facilitate the conveyance of Inspectors and any individuals who have requested to participate in the inspection in accordance with regulation 96bis, paragraph 2bis,]Keep the Chief Inspector and Sponsoring State or States notified of proposed ship [and aircraft] schedules including

support and supply vessels, and when feasible, inform the Chief Inspector before any ship commences its voyage to a Contractor's Contract Area to facilitate the conveyance of Inspectors and representatives of Sponsoring States, where appropriate and to keep the Chief Inspector informed if there is a change to proposed ship schedules due to operational, logistical or unforeseen circumstances;

~~—(a) ter~~ (a) ter except in the event of an inspection pursuant to paragraph 2 above, within 7 Days of the Chief Inspector informing the Contractor that the Inspector(s) would like to conduct an [announced]/[scheduled] 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;

(b) cooperate with and assist in the inspection of any ships or Installations or equipment used to carry out Exploitation activities and activities related to such activities in the Area conducted pursuant to this regulation and comply with the requests of an Inspector;

(b) bis provide reasonable facilities, financed by the Contractor, including, [logistics for Inspectors necessary for their duties,] [where appropriate, ship voyage,] food and [suitable and secure] accommodation, to Inspectors [in compliance with the rules defined by the Code of Conduct defined by regulation 96, paragraph 3];

[(c) provide access [at all reasonable times] to all relevant areas, items, and personnel [engaged in activities relating to Exploitation activities in the Area, and to relevant areas, items and personnel on ships and Installations engaged in Exploitation activities in the Area; [or on ships and Installations engaged in carry out Exploitation activities related to such Exploitation activities in the Area at all reasonable times;]]

[(c)Alt. provide access [at all reasonable times] to all relevant areas, documents, items, and personnel, or digital information, as referred to in paragraph 3-~~1~~[Regulation 98].]

[(d) provide access to relevant monitoring and surveillance systems and equipment, books, documents, papers and records [regardless of where they may be located] to determine compliance with terms and conditions of an Exploitation Contract and these Regulations;]

(e) answer fully and truthfully any questions put to them;

(f) accept the deployment of remote real-time monitoring and surveillance equipment and as required by the Council, the Compliance Committee, or the Chief Inspector;

(f) bis facilitate the activities of Inspectors to observe the Contractor's monitoring operations; and

(g) [facilitate the conveyance of Inspectors and any individuals who have requested to participate in the inspection in accordance with regulation 96bis, paragraph 2bis,] Not obstruct, intimidate or interfere with Inspectors in the performance of their duties, or representatives of Sponsoring States, State, or other party concerned who accompany these Inspectors.] [Contractors shall also establish and communicate internal procedures to

ensure that all personnel are aware of and comply with inspection requirements.]

6. In the event of a remote or virtual inspection, the Contractor shall cooperate with the Inspectors and give full assistance to Inspectors in the performance of their duties, including by, depending on the manner of execution:

(a) providing access to its information technology systems;

(b) accepting a request to enter into video conferencing;

(c) ensuring that its activities can be examined through software;

(d) accepting requests to question personnel through video conferencing;

(e) providing digital access to all relevant areas, items, and personnel engaged in activities relating to Exploitation activities in the Area, and to relevant areas, items and personnel on ships and Installations engaged in Exploitation activities in the Area; [or on ships and Installations engaged in carry out Exploitation activities related to such Exploitation activities in the Area;

(f) providing digital access to relevant monitoring and surveillance systems and equipment, books, documents, papers and records to determine compliance with terms and conditions of an Exploitation Contract and these Regulations; and

(g) answering fully and truthfully to any questions asked by the Inspectors.

6. bis Inspection pursuant to paragraph 6 shall be limited to the extent necessary for the purposes of the inspection and shall be carried out in accordance with the procedures established by the Council pursuant to Regulation 90, paragraph 1.

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

N/A