

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31TH 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:

Germany

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

Topic: Chief Inspector, Inspectors and Inspections, DR 96-101

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.

Regulation 96

The [inspection] / [compliance] mechanism

~~11. [The [Council]] shall establish a Compliance Committee, [within the Commission], pursuant to Regulation [102]. [The Compliance Committee shall oversee the Authority’s inspection, compliance and enforcement function pursuant to these Regulations, and shall approve and keep updated the Authority’s Compliance Strategy.]~~

~~12. The [Secretary General]/[Compliance Committee]/[Council] shall appoint an officer with suitable qualifications to be Chief Inspector [on the basis of the recommendation of the Compliance Committee]. The [Chief Inspector]/[Inspector] shall [report to the Compliance Committee and shall] undertake the day to day management and administration of a Roster of Inspectors and inspection programme [in accordance with the Authority’s Compliance Strategy].~~ ^{23.} The Council shall, on the basis of the recommendations of the [Commission] / [Compliance Committee], approve and maintain a code of conduct for Inspectors ~~[based on]~~, [among others] [the principles of independence, transparency, accountability, [integrity, impartiality,] [gender equality,] [proportionality, expertise, probity] and non-discrimination.]]

Regulation 96 bis

Inspections

~~1. The Compliance Committee and the Chief Inspector shall ensure that every Contract’s operations are inspected at least every 2 years]~~

~~1 bis 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.

~~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 [For an announced inspection.] The [Chief Inspector]/[Inspector] shall give [adequate]/[reasonable] [written] notice, [which may vary] depending upon the chosen manner of [execution]/[inspection] 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;

(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 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 instruct an Inspector to conduct an unannounced/impromptu inspection, notwithstanding paragraph 1. bis, and provide written notice to the Contractors as soon as practicable, without prior notification to a Contractor without prior notification, and shall cooperate with a Contractor to 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.~~

~~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 [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.]~~

2. bis The Compliance Commission shall establish procedures, including eligibility criteria and modalities, for the accompaniment of inspections by representatives of States Parties or other concerned parties, where appropriate. The Compliance Committee shall take into account operational feasibility, safety, and the need to ensure the effectiveness and integrity of inspections, in developing and applying such procedures.

3. ~~Inspectors may/shall, in accordance with these Regulations, inspect any relevant areas, documents, items, personnel 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 [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;

[...]

(f ter) comply with any notices issued under regulation 98(1)(h bis); and

(g) ~~[to 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 ~~any and~~ comply with inspection requirements.]

Regulation 96 ter

Request for inspection [in the event of [harmful effects]] to the Marine Environment]

[1. — In the event of [harmful effects] ~~[or risk of harmful effects]~~ to the Marine Environment, ~~[any State or States]~~ ~~[adjacent]~~ ~~[potentially-affected]]~~ ~~[coastal State or States]~~ ~~[any coastal community]~~, which have ~~[reasonable]~~ grounds for believing ~~[that]~~ such harmful effects are caused by activities in the Area, shall notify the ~~[Chief Inspector]~~ ~~[Compliance Committee]~~ [and the relevant Contractor] through the] Secretary General in writing of the grounds upon which such belief is based and request an inspection. ~~[The notification shall include all relevant evidence, and all documentation supporting the belief that the harmful effects are caused by activities in the Area.]~~

1. Alt. Where there are grounds for believing a Contractor does not comply with, or is at risk of non-compliance with, the rules, regulations and procedures of the Authority, and the terms of the Exploitation Contract as referred to in regulations 18bis and 98, any State may notify the Chief Inspector through the Secretary-General in writing of the grounds upon which such belief is based and request an inspection. The notification shall include all relevant evidence, and all documentation supporting the non-compliance.

1. bis In reviewing a Contractor's annual report, the Commission may inform the Compliance Committee of a possible non-compliance situation on the Contractor's activities. The Compliance Committee shall consider such situation and may recommend, if necessary, to the Council for initiating an inspection.

1. ter Anyone who has reasonable grounds for suspecting that a Contractor has violated the Convention, these Regulations, Exploitation Contracts, or caused harmful effects to the Marine Environment, may request the Compliance Committee through the Secretary-General for inspection in writing.

2. The ~~[Chief Inspector]~~ ~~[Compliance Committee]~~ shall ~~[notify the relevant Contractor and Sponsoring State or States, shall]~~ examine promptly ~~immediately~~ the grounds for an inspection request in line with the Compliance Strategy. ~~and shall [promptly] [make recommendations to the Council to] initiate inspection where such grounds appear reasonable[, and invite representatives of the [adjacent] [potentially-affected] coastal State or States to [accompany the Inspector], no later than 24 hours after such notification was made by the State or States [to facilitate assessment by the Council of whether any [pollution or] the harm is attributable to activities in the Area.]]~~.

2. Alt. The Chief Inspector shall respond to the notification within 24 hours, indicating whether the grounds for inspection are deemed reasonable and outlining the next steps for initiating the inspection, including inviting the State or States to accompany the Inspector during the inspection.

Regulation 97

Inspectors: Appointment and supervision

1. The Council, shall, on the basis of the recommendations of the ~~[Commission]~~ Compliance Committee ~~[and the Finance Committee]~~, determine the relevant qualifications and experience for

Inspectors to be included in the Roster of Inspectors appropriate to the areas of duty of an Inspector under this Part.

1 bis ~~[Without prejudice to the possibility of self-nomination,]~~ States Parties may, subject to the requirements of this regulation, nominate [individuals for] ~~[Inspectors for consideration, and]~~ inclusion in the Roster of Inspectors. Nominees ~~[and A]~~ applicants will be considered against the qualification and experience requirements. Equitable geographical representation and gender balance will also be considered. ~~[both] in line with the Convention principle.~~ [Subject to considerations of protection of personal data, the Roster of Inspectors shall be made publicly available on the Authority's website.]

~~[1.bis Alt. Recruitment to the Roster of Inspectors will be through an open and transparent process conducted by the Compliance Committee. Applicants will be considered against the qualification and experience requirements. Equitable geographical representation and gender balance will also be considered. both in line with the Convention principles. [Subject to considerations of protection of personal data, the Roster of Inspectors shall be made publicly available on the Authority's website].]~~

~~[2. The Compliance Committee shall upon the make recommendations of the Chief Inspector, to the Council [on the appointment, supervision and direction of Inspectors included in the Roster of Inspectors, and] on an determine the [inspection programme] and schedule for the Authority in accordance with the Compliance Strategy and any applicable Standards and taking into account the Guidelines.]~~

~~[3. The [inspection programme] shall be [adopted] by the Council, [overseen by the Compliance Committee,] [and implemented by the Chief Inspector [and the Inspectors]].]~~

~~[4. The Inspectors shall be independent [and competent] in the fulfilment of their tasks and shall comply with the Inspector Code of Conduct.]~~

~~[5. [The Authority will [engage] with the Sponsoring State or States as appropriate, including to ensure that inspections performed by Inspectors are aligned with can support enforcement at the national level.] The Chief Inspector, shall report to the Compliance Committee in writing regarding any difficulties inspectors face relating to coordination with the Sponsoring State or States or domestic enforcement of the measures.]~~

6. Inspectors may be required to undertake relevant training programmes, [including but not limited to project and ship instructions, health and safety [at sea], as well as undergo fit for work medical evaluations], [at the request of the Council,] based on the recommendations of the Compliance Committee. The Secretariat shall facilitate [the requisite]/[relevant] trainings and evaluations.

7. The Compliance Committee shall keep the Roster of Inspectors under review and updated; and, ~~The Council~~ may ~~where there are reasonable grounds, [inter alia,]~~ [following non-compliance with the Inspector Code of Conduct], remove an Inspector from the Roster of Inspectors, ~~on the basis of the [reasonable] recommendations of the Compliance Committee,~~ and shall report the removal to the Council.

Regulation 98

Inspectors' powers

1. Inspectors may in accordance with these Regulations, inspect any relevant areas, documents, items, or digital information, and interview 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.

2. ~~[(b) Subject to any legal requirement, obligation or duty that would prevent disclosure:]~~

~~(b)~~ require any person who has control over, or custody of, any document, whether in electronic form or in hard copy, including a plan, book or record, to [preserve and] produce a copy of that document to the Inspector [immediately] or at any other [reasonable] time and place required by the Inspector in writing;

(ch) bis inspect any relevant documents or items which are necessary to monitor the Contractor's compliance, all other recorded data and samples and any ship or Installation engaged [in Exploitation activities and activities related to such Exploitation activities in the Area] including its log, equipment, records and facilities and question personnel.

(dm) [~~seize~~ or ~~acquire copies of~~ documents, articles, substances or any part or sample of such for [further] examination or analysis that the Inspector may reasonably require;]

~~[(e+)] take pictures, audio or video footage, or obtain contractor recordings necessary to document and substantiate Contractor's compliance or failure to comply with agreements, terms and conditions. Inspectors shall have access to any area needed to obtain documentation needed in the course of an inspection or investigation.~~

(fe) request from any person referred to in subparagraphs ~~(b)~~ above the reason for any entry or non-entry in any document over which that person has custody or control;

(ge) examine any document produced under subparagraphs ~~(b)~~ [above] and make a copy of it or take an extract from it;

(he) inspect [or require testing of] [and/or test] [and preserving,] any machinery or equipment under the supervision of the Contractor or its agents or employees that, in the Inspector's opinion, is being or is intended to be used for the purposes of the Exploitation activities [without interfering unreasonably with the production and operation of the Contractor];

(ie) ~~[label]~~ representative samples or [acquire] copies of assays of such samples from any ship or equipment used for or in connection with the Exploitation activities that the Inspector may reasonably require;]

(jh) require the Contractor to carry out such procedures in respect of any equipment used for or in connection with the Exploitation activities as may be deemed ~~reasonably~~ necessary by the Inspector; and,

(kh) bis issue a ["do not disturb notice"]/[stop work order, component shut-in, or Facility shut-in], in writing, in order to allow the further inspection, examination or measurement of, or the conducting of tests concerning, any ship, Installations, equipment or facilities engaged [or used] in Exploitation activities and activities related to such Exploitation activities in the Area.]

~~[(kk)]ter. make recommendations to the Compliance Committee for increased oversight of facilities and operators that require special onsite inspections or attention based on their history of serious injuries or fatalities, pollution events, and inspection findings, or other appropriate actions related to systematic violations.]~~

(l) perform any other prescribed function of the Authority as its representative [in accordance with written authorization of the Council.]

~~3. Before an Inspector ~~mays~~ seizes any document ~~under [regulation 96bis, paragraph 3]subparagraph 1(f) above,~~ the Contractor shall be afforded the opportunity to ~~may~~ copy it.]~~

~~4. When an Inspector seizes or removes any item under ~~thesethis~~ Regulations, the Inspector shall issue a receipt for that item to the Contractor.]~~

Regulation 99

Inspectors' power to issue instructions

[1. If, as a result of an inspection, an Inspector has reasonable grounds to determine that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a [threat]/[risk] of ~~[harmful effects]~~ to the Marine Environment ~~[or to human remains and [objects and sites of an archaeological or historical nature]]~~ [Underwater Cultural Heritage] [or any venerated sites],

the Inspector shall give a written instruction, ~~which shall will have immediate effect,~~ of a temporary nature considered reasonably necessary to remedy the situation, in accordance with Regulation 35 and any applicable Standards, including: [...]

[...] [2. ter Unless otherwise stated, an instruction issued pursuant to this regulation shall have immediate effect and] shall specify the information to be provided to the Inspector by the Contractor to demonstrate the steps being taken to implement the instruction within the specified period.] [...]

Regulation 100

Inspection Reports

1. No later than 30 Days after the end of a [routine] inspection [and 7 Days after the end of an urgent inspection], the Inspector[s] shall ~~deliver~~ submit to the Chief Inspector a report in accordance with the template and other requirements set out in the applicable Standards setting out, findings and ~~seeking clarification~~ where relevant and providing recommendations for improvements in performance, procedures or practices by a Contractor. ~~Once finalized,~~ the [Chief] Inspector shall send the report to the Contractor, the sponsoring State, the Compliance Committee and the Secretary General, ~~[who]/[the Secretary General] shall send a copy of the report to the Contractor and its Sponsoring State or States, as well as the relevant adjacent coastal State or States or flag State referred to in paragraph 2bis of regulation 99].~~ [All inspection reports shall be submitted to the Chief Inspector and the Secretary General. The Secretariat-General Such reports shall be promptly made public and placed publish such reports on the website of the Authority.]

1. bis The Contractor and the Sponsoring State or States, [as well as the relevant adjacent coastal State or States or flag State referred to in paragraph 2 bis of regulation 99] ~~[member States and all] any Stakeholders.~~ may ~~[shall]~~ within ~~30 Days~~ after the end of a routine inspection and 7 Days after the end of urgent inspection ~~[of the date of receipt of the Inspector's report,~~ provide to the Secretary-General [any] comments on the findings [requests for clarification or recommendation,] ~~[and seeking clarification and providing recommendations,]~~ including details of any action taken or to be taken in accordance with the findings and recommendations of the Inspector's report. The Secretary-General shall transmit [such] comments to the Compliance Committee.

~~2. — The Compliance Committee shall, pursuant to regulation [95]102 bis), [(from time to time)] report to the Council [and] include details on the findings and recommendations following the inspections conducted in the prior Calendar Year and shall make any recommendations to the Council on any enforcement action to be taken by the Council under these Regulations and an Exploitation Contract and taking account of any regulatory action taken by the Sponsoring State or States or corrective actions taken by a Contractor to address the findings or recommendations.~~

Regulation 101

Complaints relating to Inspections

[1. A Contractor who considers that an Inspector has acted unreasonably or outside of the scope of their powers under this Part may complain in writing to the Secretary-General, who will transmit the complaint promptly to the Compliance Committee who shall consider the complaint as soon as practicable.]

~~[1. bis A person aggrieved by an action of an Inspector [or a Contractor]] or any organ or official of the Authority under this Part may complain in writing, [providing evidence] to the [Secretary General]/[Compliance Committee], [who shall report to the [Compliance Committee]/[Commission]/[and] Chief Inspector] [or where the Compliance Committee is implicated in the complaint to the Ombudsperson] to consider the complaint as soon as practicable.]~~

~~[1. Alt. A Contractor or any person directly affected by the conduct of an Inspector or a Contractor in connection with inspection or compliance activities under this Part may submit a written complaint, supported by relevant evidence, to the Secretary General. The Secretary General shall promptly transmit the complaint to the Compliance Committee for consideration. Where the complaint involves a member of the Compliance Committee or raises concerns about the Compliance Committee impartiality, the Secretary General shall refer the matter to the [designated Ombudsperson or another] independent mechanism established by the Council. Complaints must relate specifically to the exercise or non-exercise of powers and duties under this Part and fall within the Compliance Committee's mandate.] [...]~~

~~[5. Disputes concerning the handling of complaints [made in accordance with this regulation] shall be settled in accordance with regulation 106].~~

4. Please indicate the rationale for the proposal.

DR96:

- We support deletion of paragraph (1), in light of the new text of draft regulation 95bis and the proposal to create the Compliance Committee by Council decision.
- For the same reasons, we suggest that the appointment and reporting accountabilities of the Chief Inspector would also be better placed in the Council decision creating the Compliance Committee, rather than in the Exploitation Regulations. We suggest that the appointment should be made by the Compliance Committee (and reported to the Council). This is because the Chief Inspector will be accountable to the Committee, and needs to be somewhat independent from the Secretariat. Whilst an appointment by the Council might bring recruitment oversight and political authority, in practice it would likely be a very slow and inefficient procedure of appointment, and may also give rise to perception of politicisation.
- We would also like to clarify who will appoint the inspectors? We do not see that expressly stated in any of the draft documents that the Council is currently considering. If it is the Compliance Committee who has the appointment power, then this can be included in the Council decision.
- We can support the idea of a Council-approved code of conduct for Inspectors, recommended by the Compliance Committee. In terms of the principles listed in paragraph (2), we think these need to be streamlined and tailored better to a code of conduct for. We suggest deletion of:
 - “impartiality” as this is covered already by independence,
 - “gender equality” as this is covered by non-discrimination,
 - “expertise” as this is a matter for ISA recruitment and training, not individual conduct, and
 - “proportionality” because, whilst we agree that should be a foundational principle in the Compliance Strategy, we do not see it is correctly applied to the rules of behaviour for an individual.

DR96bis

- Whilst we see the need for a proportionate, risk-based and context-specific approach to the nature and frequency of inspections, Germany also considers it may be useful (in terms of predictability, and ensuring stringency) to set a minimum number of inspections for each operation.

- In paragraph (1), we are unsure the first sentence is needed. We believe the Compliance Strategy and inspection protocols should largely dictate the nature of inspections, and which types may be employed in which circumstances – rather than Standards and Guidelines, or at the discretion of an individual inspector making this decision.
- For the avoidance of doubt, Germany does wish to retain the distinction between “announced” and “unannounced” inspections in the regulations. It is important that the Authority retains the power, where practicable and appropriate, to inspect a vessel or operation in an uninfluenced state, avoiding any preparations or show compliance by operators.
- We would be open to deletion of paragraphs (1 bis), (2) and (2 Alt) as duplicative (or at risk of conflicting) with DR98(1)(a bis), and also because they are over-detailed for the Regulations. The Compliance Committee and the Chief Inspector are required to act reasonably and proportionately in any event, and in line with the Compliance Strategy. We see that the specific details of notice requirements for inspections would be better placed in the Compliance Strategy and inspection protocols (as signed off by the Council).
- If paragraph (1 bis) is retained, we believe it should be the Chief inspector who gives notice, not the inspector; and support deletion of the words “which may vary”.
- For paragraph (2 bis), we appreciate though the good intent behind the proposal - including to implement UNCLOS Article 165(3), and to enhance transparency and confidence in the Authority’s inspections – but we fear the current draft may be unworkable, as it sets no criteria or limits on who can accompany any inspection. We think it would be better to replace current (2 bis) with a requirement for the Compliance Commission to establish procedures for accompaniment of inspections by representatives of States Parties or other concerned parties, where appropriate. These procedures can clarify eligibility criteria and modalities. (2 bis) can also require the Compliance Committee to take into account operational feasibility, safety, and the need to ensure the effectiveness and integrity of inspections.
- Insofar as paragraph (3) aims to give Inspectors powers, we suggest to move it to paragraph (3), removing duplicative elements.
- In paragraph (4), the requirement to facilitate the conveyance of inspectors has been duplicated so can be deleted from sub-paragraph (g). We also suggest a new sub-paragraph to operationalize the idea of ‘do not disturb’ etc. notices referenced in DR98(1)(h bis).

96ter:

- Germany supports new paragraphs (1 Alt), (1 bis) and (1 ter). We consider it better clarifies the grounds for such a request are clearer, and accessibility of the right is broader.
- We think paragraph (2) can be streamlined. We do not believe the Council’s approval is needed for a decision by the Chief Inspector and the Compliance Committee to undertake an individual inspection. We see that as an operational compliance matter, which should be within the subsidiary organ’s competence, guided by the Compliance Strategy and inspection protocols.
- We do not support paragraph (2 Alt), for two reasons. First, It may not be appropriate in all instances for a requester to be informed of the Authority’s planned next steps in a compliance investigation. Second, the right to accompany an inspection needs only be covered once in the regulations – and this is already included in draft regulation 96bis.

DR97:

- We consider that paragraph (1) should refer to ‘the Compliance Committee’.

- Germany supports that any person should be able to apply for the roster of inspections, without needing State nomination. So, we can be flexible with either paragraph (1 bis) as amended in the first line, or (1 bis Alt). Though for both, we think the sub-clause ‘in line with the Convention principles’ can be deleted, as there is no reference to gender balance in UNCLOS. Though it remains an important parameter we would like to see retained here.
- With reference to paragraphs (2) and (3), we believe that the inspection programme should fall under the oversight of the Compliance Committee but be carried out and implemented by the Chief Inspector. Adoption by the Council seems necessary: it would add an unnecessary political layer to what should remain a technical, day-to-day management function – which may also need to adapt in changing circumstances. We note that there are already in the regulations various requirements for the Compliance Committee to report to the Council, including for each inspection (DR100 / DR103quat) and annually (DR95bis).
- Paragraph (4) seems to be covered by draft regulation 97bis, which requires Inspectors to comply with the Code of Conduct, and to manage any risk of conflict of interest. So, we believe it can be deleted as duplicative.
- We support paragraph 5 to be retained in principle: coordination with Sponsoring States can avoid duplicative burdens on contractors and ensure that evidence gathered by the Authority’s inspectors supports domestic enforcement processes. At the same time, we consider the drafting could be clarified so that cooperation does not imply that the Authority’s inspections must be shaped or constrained by national requirements: the Authority’s inspection mandate needs to remain independent and technically driven. We also found the scope of the second sentence ambiguous, and suggest an edit to clarify.
- In paragraph (7), it seems more efficient and workable for the Compliance Committee to be able to appoint and remove inspectors, without needing the Council’s permission each time. Though any removals can be reportable to the Council, for transparency. We note in this regard that the LTC currently seems to hire experts and establish working groups without Council oversight of individual appointments and without even reporting of the identity of any persons hired (or removed). The Council may wish to consider applying its rules consistently to all subsidiary organs.

DR98:

- As above, we suggest to move paragraph (3) of DR96bis to be a new paragraph (1) of DR98, so that inspector powers are contained in the same regulations, and duplications can be avoided.
- We support deletion of the chapeau in paragraph (1), sub-paragraph (b). If it is deleted, then the subsequent provisions that are currently given roman numerals will need to be aligned with the rest of the sub-paragraphs (which are lettered).
- Germany can also support the newly included sub-paragraph (1)(b)(iv), but we think the final sentence needs deletion. As drafted, it is not creating an Inspector’s power which is the scope of this regulation. We note as well that draft regulation 96bis already includes an obligation for Contractors to provide inspectors with access to all relevant areas – which seems to cover the same ground.
- In sub-paragraph (2)(e) we suggest the addition of ‘unreasonably’ to qualify the phrase “without interfering” at the end of the paragraph. Contractors may need to accept some limited interference with usual operations during inspections.
- With regards paragraphs (3) and (4), Germany supports inspectors having reasonable powers to seize documents or other items where these are necessary for evidentiary purposes. But

the cross-reference here to draft regulation 96bis(3) does not appear sufficient, as that provision speaks to taking ‘copies or samples for further analysis’ and does not empower the seizure of original documents. This can be covered appropriately by previous sub-paragraph (2)(b)(iii) – now re-numbered (2)(d).

DR99:

- Germany generally supports draft regulation 99, but we note the need to remove reference to the ‘immediate effect’ of instructions is covered in paragraph (1), to avoid conflict with paragraph (2 ter).

DR100:

- We consider that paragraph (1) needs a drafting scrub, to clarify more precisely who is responsible for each action. We think the inspector (which, in fact, may be a team, not one individual) would prepare the report and then have it signed off by the Chief Inspector, who would be responsible for providing it to the SG for notification to the Contractor and sponsoring State, and publication.
- In paragraph (1 bis), we support that comments can be received from any Stakeholder. The current phrasing of “shall” should be changed to “may”, as it is not a mandatory obligation to give comments.
- We believe the reference can be deleted from paragraph (2) to the general annual report from the Compliance Committee to the Council, as this is covered in other regulations. It is more coherent for DR100 to maintain focus on individual inspections.

DR101:

- We are of the view that any complaint about an inspection must be made in writing and addressed to the Secretary-General, who shall forward the same to the Chief Inspector and Compliance Committee. We think paragraph (1) of DR101 covers this.
- Paragraph (1 bis) and (1 Alt) seek to expand the scope of this regulation, to cover not only complaints by Contractors but by any person; also, not only complaints against inspectors but against Contractors and any organ of the Authority. Whilst Germany agrees that such broader types of complaints should be allowed and properly handled, we think this is now covered by draft regulation 96ter and a general complaints procedure. So, we prefer to delete paragraphs (1 bis) and (1 Alt) to maintain the focus here on inspections.
- Paragraph (5) should also be deleted, as unnecessary (and potentially misleading or incorrect about what matters can be referred to the ITLOS Seabed Disputes Chamber).