

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART I**

***Informal Working Group – Inspection, Compliance and Enforcement***

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).

**1. Name(s) of Delegation(s) making the proposal:**

ITALY

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

DR 96

**3. Kindly provide the proposed amendments to the regulation 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 Council shall establish appropriate mechanisms for inspection, as provided for in article 162 (2) (z) of the Convention. A register of certified inspectors designated by member States and approved by the Council shall be created.

2. The Contractor shall permit the Authority to send its Inspectors, who may be accompanied by a representative of its sponsoring State or other party concerned, in accordance with article 165 (3) of the Convention, aboard vessels and Installations, whether offshore or onshore, used by the Contractor to carry out Exploitation activities under an exploitation contract, as well as to enter its offices wherever situated. To that end, Members of the Authority, in particular the sponsoring State or States, shall assist the Council, the Secretary-General and Inspectors in discharging their functions under the Rules of the Authority.

3. The Secretary-General shall give reasonable notice to the Contractor of the projected time and duration of inspections, the names of the Inspectors and any activities that the Inspectors are to perform that are likely to require the availability of special equipment or special assistance from the personnel of the Contractor, save in situations where the Secretary-General is required to direct an inspection of the Contractor’s activities in accordance with regulation 4(5) and ~~has reasonable grounds to~~ considers the matter to be so urgent that notice cannot be given, ~~in which case the Secretary-General may, where practicable, exercise the right to conduct an inspection without prior notification.~~

4. Inspectors may inspect, during the whole lifecycle of the activity, any relevant documents or items which are necessary to monitor the Contractor’s compliance, all other recorded data and samples and any vessel or Installation, including its log, personnel, equipment, records and facilities.

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

A functioning inspection and monitoring mechanism should be strongly based on the principles of independence, transparency, robustness, economic efficiency, absence of conflict of interests, appropriate qualification and experience of inspectors.

Common guidelines, reporting standards, and a register of certified inspectors designated by the member states of the Authority and approved by the Council should be the basis of the inspection architecture. An inspector's manual and a certified training program regularly updated under the auspices of the Authority and validated by the Council is as well important.

Efforts related to its implementation and during its operational phase are not limited to the Authority, but should involve Sponsoring States and member States.

The inspection mechanism should be fully settled and detailed in the regulations, as both the contractors and the Authority will have to make consequential budget and administrative considerations, when designing and evaluating the plan of work of an application.

Monitoring should be ensured during the whole lifecycle of the activity as well as before (to ensure that baseline conditions are adequately understood) and after (to ensure long term monitoring of the impacts of the activities and safety for the environment)

A fully operational inspection model is crucial. One of these models was recalled in the Note of the Secretariat ISBA/25/C/5, paragraphs 11-12 and refers to the Convention for the Conservation of Antarctic Marine Living Resources.