

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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.

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

Republic of Nauru

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

Section 2 / Regulation 102

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.

Section 2

~~Remote monitoring~~ Electronic monitoring, surveillance and reporting systems

Regulation 102

Electronic monitoring and data reporting ~~system~~

1. A Contractor shall restrict its mining operations to the Mining Area.

2. All mining vessels and ~~Installations~~ involved in Exploitation activities and mining collectors shall be fitted with ~~an electronic monitoring system~~ a satellite positioning device to allow for the continuous reporting of their positions to the Authority, including ~~Such system shall record, inter alia,~~ the date, time and position of all mining activities. The requirements for such satellite positioning devices, including ~~t~~ The detail and frequency of reporting shall be in accordance with Good Industry Practice and the ~~Guidelines~~ applicable Standard.

2 bis All data transmitted to the Authority under paragraph 2 above shall be transmitted to the sponsoring State or States and adjacent coastal States

3. The Secretary-General shall issue a compliance notice under regulation 103, where ~~he or she determines from~~ there is evidence to suggest from the data transmitted to the Authority that unapproved mining activities have occurred or are occurring.

3bis A Contractor shall, when conducting mining operations, deploy, in accordance with Good Industry Practice and Best Available Techniques, a data collection and

monitoring system capable of gathering, monitoring, recording, storing, and transmitting data, including environmental data on a continuous basis.

3ter The Contractor shall develop and implement a data monitoring system and plan, taking account of the applicable Guidelines. The plan shall be incorporated into the Contractor's Environmental Management and Monitoring Plan.

3quarter The 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. All data transmitted to the Authority under this regulation shall be transmitted to the sponsoring State or States and adjacent coastal States.~~

5. A Contractor shall permit the Authority's inspectors having access to any monitoring or surveillance systems and equipment.

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

Regulation 102 contemplates positioning data to be supplied to the Authority, in particular to monitor whether unapproved mining activities are occurring outside an approved plan of work.

Proposed 3bis onwards speaks to data monitoring systems and related technology and providing the Authority et al access to such data. Monitoring specific components of the operations, including environmental performance, will be key, and we are supportive of the comments made by the Kingdom of the Netherlands and other delegations in the deployment of remote monitoring systems from both a contractor and regulator perspective.

We consider the language proposed above (3bis, ter and quater) as a placeholder in anticipation of the ISA's technical study on Remote Monitoring Systems in the Context of Exploitation. This will provide a better insight into the use of remote

monitoring systems, and crafting of applicable guidelines. What data can be made available in “real-time” will also need to be explored.