

**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.*

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

Pew Charitable Trusts

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

DR 100

**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.**

\*\*Note: Council amendments are in **Red** and Pew comments are in **Blue**.

1. At the end of an inspection, the Inspector shall prepare a report **in accordance with the template prescribed by Standards**, setting out, inter alia, his or her general findings and any recommendations for improvements in procedures or practices by the Contractor. The Inspector shall send the report to the Secretary-General, and the Secretary-General shall send a copy of the report to the Contractor, **the Council**, and to the sponsoring State or States and, if appropriate, the relevant coastal State or States and the flag State, **and shall publish a copy of the report in the Seabed Mining Register**.

3. ~~The Secretary-General shall report acts of violence, intimidation or abuse against or~~ **In the event of the wilful obstruction or harassment of an Inspector by any person or the failure by a Contractor to comply with regulation 96, the Secretary-General shall**

- (a) **report such acts** to the sponsoring State or States and the flag State of any vessel or Installation concerned **and the State of nationality of any person, if known** for consideration of the institution of proceedings under national law; **and**
- (b) **report such acts to the Council and consider the exercise of powers under regulation 103.**

**Regulation 100bis: Contractor compliance report**

**The Secretary-General shall prepare an annual compliance report for each Contractor, which shall be made available in draft form for comment to the Contractor and the Sponsoring State, before being reported to the Council and published on the Seabed Mining Register. The Council shall invite the attention of the Assembly to cases of non-compliance in accordance with Article 162(2)(a) of the Convention.**

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

Regarding paragraph 1, inspectors should provide regular reports, which should be made available to all ISA organs and the public. A defined procedure or template for standardized reporting (and standardization of data) should be designed, to promote transparency and clarity. The Inspectorate could also help adapt the template for

inspections with an emphasis on continuous learning. Source: [Pew / Resolve 2019 Inspectorate Workshop report](#).

Regarding paragraph 3, the Regulations should reserve to the ISA the power to take regulatory action if its Inspectors are intimidated etc. by Contractors, rather than deferring exclusively to the relevant State.

Regarding the newly proposed regulation 100*bis*, we believe the ISA should maintain and publish compliance records for all Contractors. It would be a low-cost but highly effective means of incentivising compliance and promoting transparency and accountability.