

**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.

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 98

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.(b bis) **Inspect 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] ~~used in the Area in connection with activities in the Area~~, including its log, personnel, equipment, records and facilities.**

1(e) Inspect or test 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 ~~[- unless such inspection or testing will unreasonably interfere with the Contractor’s [operations] [activities in the Area]], create a safety hazard and or endanger the environment;]~~

1(g) ~~Remove any representative samples or copies of assays of such samples from any vessel or equipment used for or in connection with the Exploitation activities;]~~

1(h) Require the Contractor to carry out such procedures in respect of any equipment **or data** used for or in connection with the Exploitation activities as may be deemed necessary by the Inspector ~~[- unless such procedures will unreasonably interfere with the Contractor’s [operations] [activities in the Area]];]~~ and

5. An Inspector **shall** ~~may~~ document any site visit or inspection activity, **and may use** ~~ing~~ any reasonable means **to do so**, including video, audio, photograph or other form of recording.

~~[6. An Inspector shall be bound by strict confidentiality provisions and must have no conflicts of interest in respect of duties undertaken, and shall conduct his or her duties in accordance with the Authority’s code of conduct for Inspectors and inspections approved by the Council]~~

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

Regarding paragraph 1, one general comment: participants at the Pew / Resolve 2019 Inspectorate Workshop (copy of workshop report: [here](#)) considered that the Authority may also wish to deploy Inspectors for functions additional to the monitoring of compliance, for example:

- to monitor the overall state of the environment, or unforeseen environmental impacts on a regional-scale (e.g. cumulative impacts).

- to promote understanding of ISA's rules and to make recommendations for their improvement (e.g. identifying additional data needed for proper monitoring and enforcement).
- facilitating peer-to-peer learning between Contractors.
- providing advice to the ISA on the evolving interpretation of Best Environmental Practice and Good Industry Practice.

This could be covered by DR98(1)(i), or these wider functions could be added expressly to the Regulations about inspector duties and powers.

Some other drafting points for this paragraph:

subparagraph *bis* - As mentioned in our DR 96 comments, we that paragraph would be more usefully relocated to this regulation

subparagraph e - We recommend striking the clause at the end as DR96(6) already provides that Inspectors must refrain from any undue interference with the operations of the Contractor.

subparagraph g - We recommend striking this sub-paragraph as it seems like a narrower sub-set of what is already covered by sub-paragraph (f).

subparagraph h - The list of inspector powers should authorize access to real-time monitoring data. Source: [Fifth Report of the Code Project - Part 2 \(Pew, 2019\)](#). Also, DR96(6) already provides that Inspectors must refrain from any undue interference with the operations of the Contractor.

Regarding paragraph 6, we propose relocating this to DR96(6) which concerns Inspector duties.

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