

**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:

The Russian Federation

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

DR 96 (1)

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.

1.1 Inspection aims at determining whether the Convention, the rules, regulations and procedures of the Authority, and the terms and conditions of a contract with the Authority are being complied with by a Contractor.

1bis Inspection means activities conducted on the basis of relevant Decision of the Council in accordance with these Regulations.1bis Inspection means activities conducted on the basis of relevant Decision of the Council in accordance with these Regulations.

1ter Inspection mechanism is implemented in a uniform and non-discriminatory manner.

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

We would like to stress absence of general rules on inspection. In our view, the following aspects should serve as basis for further work on this Part of Regulation: notion, goals and principles of inspections, who initiates inspections, who can be appointed as an inspector. These provisions have to be logically followed by rights and obligations of contractors, inspectors, taking into account the exclusive regulatory role of the Council on this matter.

The goals of the inspections should be clearly stated in the Regulations in accordance with the Convention. With this regard it is proposed to add para 1.1 before para. 1.

It is of relevance to indicate what is meant by the term “inspection”, so that it is proposed additional para. 1bis after para. 1.

Para. 1ter introduced principles of inspections.

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DR 96 (2), (3), (5)(d)(f), (6)

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.

2. 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 has reasonable grounds to consider 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...~~ 3. The Council adopts annual schedule of regular inspections. Priority should be given to the Contractors not yet inspected and less inspected. The schedule includes list of Members of the Council which requested inspectors to be accompanied by their representatives. Special inspections may be carried out, in particular, under the following conditions:(a) in case of emergency circumstances that are expected to cause serious harm to the marine environment, or (b) in case of several warnings already issued to a Contractor....

5. (d) Provide access to monitoring equipment, books, documents, papers, records ~~and passwords~~ which are necessary and directly pertinent to determine compliance with terms and conditions of a contract and these Regulations including with ~~verify the expenditures referred to in the Plan of Work or necessary to determine compliance with the financial payments~~ terms and to verify the expenditures referred to in the Plan of Work ~~due under the exploitation contract and these regulations~~

(f) Accept the deployment of remote real-time monitoring and surveillance equipment, where required by the ~~Secretary-General~~ Council, and facilitate the activities of Inspectors in deploying such equipment and having access thereto

6. Inspectors shall:

(a) Follow all ~~reasonable~~ instructions and directions pertaining to the safety of life at sea given to them by the Contractor, the captain of the vessel or other relevant safety officers aboard vessels and Installations; and

(b) ~~To the maximum extent possible, refrain from any undue interference with the safe and normal operations of the Contractor and of vessels and Installations, unless the Inspector has reasonable grounds for believing that the Contractor is operating in breach of its obligations under an exploitation contract.~~

(c) indicate in their reports all vessels, installations, equipment, facilities, data and samples monitored or otherwise examined, all documents reviewed or copied, all questions posed to the Contractor or any personnel.

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

Regarding para. 2 In accordance with the Convention relevant functions are assigned to the Council and Inspectors, but not to the Secretary-General. All provisions should be amended accordingly.

Furthermore, a purpose of “entering offices” is unclear. Clarification is needed on what is understood by “vessels and installations onshore”.

Para. 3 should regulate process to initiate inspection and the Council plays a key role there. With a view to ensure inspection of all contractors it is proposed to establish regular inspections. Specific inspections could be a useful complementary tool.

As on para. 6 We would prefer to have a separate Regulation on rights and obligations of inspectors. This proposal equally relates to rights and obligations of Contractors. “Interference with the safe and normal operations of the Contractor” may cause incidents.