

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:

COUNCIL - PART 3

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: Republic of Costa Rica

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

Regulation 102, ISBA/27/C/IWG/ICE/CRP.1/Rev.2

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.

Regulation 102

Vessel notification, electronic monitoring and data reporting

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

~~2.~~ All [Installations] ~~[mining-vessels]~~ and mining collectors [involved in exploitation activities under the Exploitation contract ~~[activities]~~] shall be fitted with

(a) [an electronic monitoring system] ~~[a-satellite-positioning-device]~~. Such system shall record ~~[where technically feasible]~~ in real time, inter alia, the date, time and position of all mining activities, and, where technically possible, shall also provide environmental data: and

(b) a satellite tracking system. Such a system shall enable identification of each vessel and determination of its position, navigation status, course and speed.

The detail and frequency of reporting shall be in accordance with the Standards and taking into account the Guidelines.

[2.bis The Contractor shall use the best-available techniques to monitor in real-time and in the actual environment the mining impact, including the removal of mineral resources, plume dispersal, chemical emissions, introduction of pollutants including light and sound, ~~allowing for adaptive management during the mining operation.~~] Larger list needed.

[2.ter The electronic monitoring system ~~[shall]~~ ~~[should]~~ also encompass the monitoring of mining impacts ~~[and be in accordance with the Environmental Monitoring and Management Plan]~~, implementing the obligations under Regulation [46ter], ~~allowing for adaptive management during the mining operation.~~] ~~No hay información científica de que pueda dares adaptive management durante las operaciones mineras~~

3. The ~~[Secretary General]~~ ~~[Inspectorate]~~ Compliance Committee shall issue a compliance notice under regulation 103, where [there is reasonable evidence to suggest based on] the data transmitted to the Authority that unapproved mining activities have occurred or are occurring.

3.bis 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. A Contractor shall permit the Inspectors having access to any monitoring or surveillance systems and equipment.

5. All data transmitted to the Authority ~~and the Inspectors~~ received under this regulation shall be transmitted to the Council ~~Secretary General~~ and the] sponsoring State or States.

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

- For paragraph 1 and 2 it is unclear what the definition of 'mining vessels' is. Costa Rica considers 'vessels...involved in exploitation activities' a better formulation. This will include, for example, vessels at the mining from which autonomous vehicles or monitoring equipments are deployed, but which are not the vessels receiving the mined ore. We are not sure whether those would be included by the term 'mining vessels' but do consider it important they are included within the scope of this provision. Moreover, it is suggested a separate sub-paragraph also to require Contractors' vessels to be fitted with a satellite tracking system. This is separate from an electronic monitoring system designed to provide data about the mining activities. The satellite tracking system enables identification of each vessel, and determination of its position, navigation status, course and speed.
- For paragraph 2 bis, Costa Rica considers that a more comprehensive list of impacts in paragraph is needed, including chemical emissions, and introductions of other pollutants including light, as well as sound. If adaptive management is feasible in the context of deep seabed mining, the concept will require further elaboration and discussion. This may include the ISA prescribing how monitoring data should be used by the contractor as a feedback loop to aim for continuous improvement. But it does not necessarily follow that the use of best available techniques for real-time monitoring will allow for adaptive management, and the insertion about 'allowing for adaptive management' in both paragraphs 2bis and

2ter seems too brief and vague to have useful operational effect. Also, 2bis and 2ter could probably be combined.

- For paragraph 3 bis, it is not clear what plan is referred to, clarification is needed if it refers to the Environmental Monitoring and Management Plan, if so, it might be better to move these details to the annex that sets requirements for the EMMP, and delete this (3) bis text.
- Paragraph 4 content may be better relocated in DR 98 on Inspectors' powers.