

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART III**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

2. Name(s) of Delegation(s) making the proposal.

The Republic of Korea

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

Regulation 96, paragraph 3.

4. 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 96

3. The [Secretary-General] [Inspector] shall give reasonable notice to the Contractor of the projected time and duration of inspections for a period as necessary, the names of the Inspector(s) 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] [the Inspector] has reasonable grounds to consider the matter to be so urgent that notice cannot be given, in which case the [Secretary-General][the Inspector] may, where practicable, exercise the right to conduct an inspection without prior notification, [pursuant to Regulations 4(5)].~~

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

We propose to delete those lines, which are about the situations where inspection is required without prior notification, and move those to the relevant Standards or Guidelines which may elaborate the scope and procedures of inspection. Those situations which are so urgent that notice cannot be given in advance shall be specified in the relevant Standards or Guidelines.

Under the normal situations, the prior notification of the schedules of inspection, identity(including IMO numbers, etc.) of the vessels involving inspection, names of the inspectors on the inspection vessels, etc. shall be given to the Contractors in advance of inspection, for guaranteeing the safety of vessels involved in exploitation activities and crews on board.

According to the practice of inspection of vessels on the high seas under other conventions, the flag State authorization or consent is required before ships on the high seas are boarded by inspectors from another State Party. This is because the flag State shall remain in control of the extent to which the boarding State exercises jurisdiction. For instance, in accordance with the Convention for the Protection of Submarine Cables, inspectors have a right to approach but not to board. In accordance with the UN Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, an authorization by the flag States is required before inspection begins. The Scheme of Control and Enforcement adopted by the North-East Atlantic Fisheries Commission prevents boarding and inspection of a fishing vessel without prior notification.

Inspection of vessels involved in exploitation activities without prior notification shall be accepted only if there are reasons more significant than safety of vessels and crew members on board.