

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Inspection, Compliance and Enforcement

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

The Pew Charitable Trusts

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

Draft Regulation 102

**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.**

The facilitators’ proposed amendments are reflected in **red**.

Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator’s text this is shown **in strikethrough and bold**.

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.**]

[2.ter The electronic monitoring system [~~shall~~] [~~should~~] shall 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.**]

3. The [~~Secretary General~~][~~Inspectorate~~] **Compliance Committee** shall **notify the sponsoring State and 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.

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

Regarding paragraph 2, we are unclear what the definition of ‘mining vessels’ is. We consider ‘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. We also suggest 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 2bis, we wish to see a more comprehensive list of impacts, 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.

Regarding paragraph 3, Notification to the sponsoring State is also recommended in paragraph (3) upon issuance of the compliance notice, so that the State is informed of any alleged unapproved mining activities, and can use this information to support the performance of its own regulatory duties as sponsoring State.

Regarding 3bis, we are unclear what plan is referred to here, but we presume it is the Environmental Monitoring and Management Plan? This should be clarified, and 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.