

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*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.**

DR 100

**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.**

1. ~~At Thirty days after~~ the end of an inspection, the Inspector shall ~~(prepare and~~ deliver a report ~~[promptly] [without delay]~~ to the ~~[Compliance Committee] [Inspectorate]~~ in accordance with the template ~~and other requirements set out by the prescribed in the applicable Standards-standards,~~ setting out the findings and any recommendations for improvements in performance, procedures or practices by a Contractor. The ~~[Inspectorate] [Inspector(s)] [Compliance Committee]~~ shall send the report to the ~~[Secretary General, the Commission and the Council] [Contractor and its sponsoring State or States, as well as the Compliance Committee]~~ as soon as it is completed and ~~[the Secretary-General shall send immediately a copy of the report to the Contractor.] [The Compliance Committee shall ask the Secretary- General to send a copy of the report to any relevant coastal State or flag State, the Contractor and sponsoring State or States and, if appropriate, the relevant adjacent coastal State or States and the flag State and to publish a copy of the report in the Seabed Mining Register, excluding confidential information.]~~

~~1. ter The sponsoring State or States shall within a reasonable period, provide to the Secretary General, who shall transmit to the Compliance Committee, details of any regulatory or other action taken or to be taken as a result of the Inspectors' findings or recommendations.~~

4. Where a report is made under ~~paragraph 3~~ ~~this regulation,~~ the ~~[Inspectorate] [Compliance Committee] [Council]~~ ~~[shall] [may]~~ take the appropriate measures under Regulations ~~99 and 103~~ ~~respectively.~~

**[Regulation 100bis:**

**Contractor compliance report**

~~The Secretary-General shall prepare an annual compliance report for each Contractor,~~

which shall be made available in draft form for comment to the Contractor and the Sponsoring State, before being reported to the Council and published in the Seabed Mining Register. The Council shall invite the attention of the Assembly to cases of non-compliance in accordance with Article 162(2)(a) of the Convention.]

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

For para 1ter, we thought this text was quite useful to help demonstrate how the sponsoring State is following up on inspector reports and ensuring their Contractor is making the necessary improvements. We note in the Facilitator comments that there was not much support for keeping this provision, however, from our search of the ISA website and published submissions, we didn't see any countries in opposition of this provision either. It would be helpful to have more rationale as to why this has been deleted.

For 100bis, pending a decision on the responsible organ (as noted by the facilitator), we agree with other delegations (Australia and African Group) that this addition would provide a low cost but highly effective means for incentivising compliance, and raising public trust and confidence in the ISA as a regulator, by publicising each contractor's track records. We do wonder if this new regulation overlaps with DR100(2) and if so, it could be helpful either to merge these two, or to differentiate them.