

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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: Inspection, Compliance and Enforcement**

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

- 3. Please indicate the relevant provision to which the textual proposal refers.**
DR 96 para (2)

- 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 Inspections: general

Regulation 96 para 2. The Contractor shall permit the Authority to send its Inspectors when required, who shall upon request by sponsoring States, any other State Party ~~[or other party concerned]~~ be accompanied by a representative of the sponsoring State [or States], any other State Party ~~[other State Party or other party concerned, [or any person reasonably required to assist an Inspector including an interpreter]~~ aboard all vessels and Installations used in the Area by the Contractor to carry out Exploitation activities under an exploitation contract [as well as to enter its offices]. To that end, ~~[States Parties]~~ [Members of the Authority], in particular the Sponsoring State or States [and States] in whose national jurisdiction or on whose vessel the Authority wishes to conduct inspection activities, shall assist the [Authority], [Council] [Inspector-General] and Inspectors in discharging their functions under the Rules of the Authority.

Regulation 96 3 bis. ~~Where the Secretary-General or the Inspector have reasonable grounds to consider the matter to be so urgent that notice cannot be given, the Secretary-General shall instruct the Inspector to conduct an inspection without [prior notification.] reasonable notice and to provide notice as soon as practicable].~~

Regulation 96 para 5(d) Provide access to relevant monitoring equipment, books, documents, papers and records to determine compliance with terms and conditions of a contract and these Regulations including with the financial payments terms and to verify the expenditures referred to in the Plan of Work [that fall within the precise scope of the inspection being undertaken and provide passwords where that is needed];

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

Para 2: It is important to add that the Authority should spell out the precise scope of the inspection, the reason why it is required and provide the Contractor with all relevant details. Para 3 bis may be deleted: This conferring powers to SG not contained in the Convention or the Agreement relating to Part XI. Also no such power for Inspector and the Inspector cannot assume such powers suo moto. Para 5 (d) password part may be deleted

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DR 98

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Regulation 98 Inspector’s power

Regulation 98 para 1 (c) Request ~~Require~~ from any person referred to in subparagraph (b) above reason for ~~an explanation of~~ any entry or non-entry in any document over which that person has custody or control;

Regulation 98 para 1 [(f) After due notification to the Authority giving reasons for the same, Seize [any] document, article, substance or any part or sample of such for examination or analysis that the Inspector may reasonably require;]

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Above changes would give better clarity for Inspector’s power.

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DR 104

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Regulation 104

Power to take remedial action

Regulation 104 para 1. Where a Contractor fails to take action required under regulation 103, the Authority [\[through the Secretary-General\]](#) may carry out any remedial works or take such measures as it considers reasonably necessary to prevent or mitigate the effects or potential effects of a Contractor’s failure to comply with the terms and conditions of an exploitation contract.

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

It may be necessary to elaborate the procedures where the Authority takes any remedial measures as it is in the Contract area and may interfere with the work of the Contractor.