

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART II**

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:

Inspections

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

Russian Federation

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

Reg. 99

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.

5.

1. If, as a result of an inspection, an Inspector has reasonable grounds to determine ~~for anticipates~~ that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a threat of Serious H[h]arm to the Marine Environment, ~~including Underwater Cultural Heritage~~ or a Contractor is otherwise in breach of the terms of its contract with the Authority the Inspector shall give ~~any-written~~ instructions of a temporary nature considered reasonably necessary to remedy the situation, in accordance with ~~the~~ ~~any~~ applicable Standards, including:

2. bis. The Chief Inspector shall report immediately to the Compliance Committee, the Secretary-General and through the Secretary-General to the Contractor’s sponsoring State or States and, if applicable to the relevant coastal State or States ~~and flag State~~, that an instruction has been issued under paragraph 1.

~~2. ter. An instruction shall be for a specified period not exceeding seven days. The Chief Inspector may extend such period by an additional seven days and shall report any such extension to the Compliance Committee.~~

~~2. quater. An instruction shall specify the information to be provided to the Inspector by the Contractor to demonstrate the steps being taken to implement the instruction within the specified period.~~

~~2. sexies. The Compliance Committee may:~~

~~(a) Request the Chief Inspector to provide further information as to the facts and circumstances giving rise to the issue of an instruction under paragraph 1 for its consideration; or~~

~~(b) revise or set aside an instruction under paragraph 1 as soon as~~

practicable; or

~~(c) invite the Council's attention to any cases of non-compliance with the terms of a contract.~~

~~{3. Any instruction issued under paragraph 1 above shall be in force until the Contractor has [executed] [complied with] the instruction and fulfilled all requirements. Upon receiving information from the Contractor about steps taken to implement the instruction, [the inspectorate] [Compliance Committee] shall decide, as soon as possible and within no more than three Days, whether the instruction has been complied with by the Contractor. The [inspector] [inspectorate] shall report immediately to the [Secretary General and to the Contractor's sponsoring State or States and to coastal States adjacent to the contract area] [Compliance Committee] [the Commission] [the Council] that an instruction has been issued under paragraph 1, and where the issue remains unresolved, the [Inspectorate] [Council] [Compliance Committee] may thereafter exercise its powers conferred upon it under regulation 103.}~~

{3.Alt. An instruction issued under paragraph 1 must either be confirmed, revised or set aside by the Inspector-General as soon as practicable.}

{3.Alt.bis An instruction shall be for a specified period not exceeding seven days. The Inspector-General may extend such period by an additional seven days.}

{3.Alt.ter An instruction shall specify the information to be provided to the Inspector by the Contractor to demonstrate the steps being taken to implement the instruction within the specified time.}

{3.[Alt.quater] septies An instruction is effective from the time fixed by the Inspector and remains in force [until] unless set aside by the ~~{Inspector-General}~~ ~~Compliance Committee~~ or until the Inspector's instructions have been complied with within the specified period or the instruction lapses at the end of the specified period.}

~~{3.Alt.sexies The Inspector General shall report immediately to the Secretary General, the Commission, the Council and to the Contractor's sponsoring State or States and, if appropriate, the relevant coastal State or States and the flag State that an instruction has been issued under paragraph 1. The Compliance Committee may:~~

~~(a) Request the Chief Inspector to provide further information as to the facts and circumstances giving rise to the issue of an instruction under paragraph 1 for its consideration; or~~

~~(b) revise or set aside an instruction under paragraph 1 as soon as practicable; or~~

~~The Compliance Committee shall~~

~~(c) invite the Council's attention to any cases of non-compliance with the terms of a contract and fully report to the Council on the instructions of Inspectors and any other results of the Inspection.;~~

1. The Council may request further information as to the facts and circumstances giving rise to the issue of an instruction under paragraph 1 for its consideration.]

{3.[Alt.septies] octies. Within three days of the expiry of the specified period or any extension thereto under paragraph [3bis] 2 the ~~{Inspector-General}~~ Chief Inspector shall [determine] assess whether the instruction has been

complied with by the Contractor and shall report immediately to the Compliance Committee. Subject to paragraph 3 [octies] nonies, where a Contractor has failed to comply with a written instruction or the circumstances giving rise to the instruction remain unresolved, the ~~{Inspector General}~~ Compliance Committee ~~{shall}~~ may thereafter exercise the powers conferred upon ~~{the Inspector General}~~ it under regulation 103.]

~~{3.}~~[Alt.octies] nonies In the case of a written instruction issued under paragraph 1(d), where the circumstances giving rise to a suspension in some or all ~~{mining}~~ activities are not resolved or are unlikely to be resolved, the ~~{Inspector General}~~ Compliance Committee shall notify the ~~Commission and the~~ Council immediately together with any recommendation as to whether such suspension should continue. The Council shall decide if the suspension should continue, including the placing of conditions on any recommencement of active ities, taking into account any recommendations of the Commission.]

~~{4.}~~ Nothing in this regulation shall preclude the Council from issuing emergency orders pursuant to article 162, paragraph 2(w), of the Convention.]

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

Regarding para. 1 we point out that the term “underwater cultural heritage” is not in accordance with the Convention and could be replaced by “archeological and historical objects and human remains”. It should be noted, that such objects rather fall under the regime of the Area than form part of the Marine Environment.

It is necessary to set forth that instructions of an Inspectors should be prepared in written form.

Part of items duplicated each other: 2ter and 3alt.bis, 2quater and 3alt.ter, etc. The preferable items kept