

**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:

The Pew Charitable Trusts

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

DR 97bis

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.

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

...

[2. The [Compliance Committee/Chief Inspector], upon the notification of any Member State on reasonable grounds that an inspection is expedient to prevent Contractor non-compliance or harm to the Marine Environment, shall promptly initiate inspection.]

~~3. An Inspector shall be bound by strict confidentiality provisions and must have no conflicts of interest in respect of all duties undertaken and shall conduct his or her duties in accordance with the Authority’s code of conduct for Inspectors and inspections.~~ Inspectors shall have no financial interest in any activity relating to exploration and Exploitation in the Area. They shall not disclose, even after the termination of their functions, any industrial secret, proprietary data or other confidential information coming to their knowledge by reason of their duties under these Regulations.

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

Regarding (2), we support the intent by this proposal but believe it would be better placed in 96 quarter and merged with paragraph 2 (as we have previously indicated) so that it is clear that the SG receives the notification and then passes along such notification to either the Compliance Committee or Chief Inspector to initiate the inspection.

For (3), while we support the intent behind the provision - we wonder what the “strict confidentiality provisions” being referred to here can be found. If the para is meant to bind Inspectors to keep information confidential, we suggest re-drafting into an active and enforceable duty upon Inspectors to make this clearer. Wording used in UNCLOS for members of the LTC and Finance Committee could be used here.

