

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31ST 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.

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

The Kingdom of the Netherlands

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

Regulation 96 bis ~~Access to i~~ Inspections

3. 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.

Yellow represents our suggestions.

1. ~~The Inspector decides upon the manner of execution of the inspections. Inspections may be carried out announced, unannounced, remotely, virtually or onsite, or a combination of these.~~

~~1. bis.~~ The ~~Chief Inspector~~ ~~Inspector~~ shall give reasonable notice, ~~[which may vary depending upon the chosen manner of execution pursuant to paragraph 1,~~ to a Contractor of the ~~inspection. This notice shall contain:~~

~~(a) information about the manner of execution of the planned inspection;~~

~~(b) the~~ projected time and duration of inspections;

~~(c) the number~~ ~~ames~~ of the Inspector(s); and

~~(d) any activities that the Inspector(s) are to perform that are likely to require the availability of special equipment or special assistance from the personnel of the Contractor. The activities of the Inspector(s) should in any case not impede activities in the Area unless otherwise provided in these Regulations.~~

2. [Where the Compliance Committee or the Chief Inspector have reasonable grounds to consider the matter to be so urgent that reasonable notice cannot be given, the Compliance Committee or the Chief Inspector shall instruct an Inspector to conduct an ~~[unannounced~~ ~~impromptu~~ inspection, ~~notwithstanding paragraph 1. bis., without prior notification to a Contractor [without prior notification,]~~ and shall cooperate with a Contractor to conduct the inspection as soon as practically possible.]

~~2. bis. [The Inspector shall, upon request by any State Party or other party concerned, be accompanied by a representative of such State or other party concerned when carrying out the inspection.]~~

3. Inspectors may, [in accordance with these Regulations,] inspect any relevant areas, documents, ~~{or items,}~~ personnel or digital information necessary to monitor a Contractor's compliance under its Exploitation Contract and the rules, regulations and procedures of the Authority which include inter alia, all recorded data and samples and any ships or Installations used by the Contractor to carry out Exploitation activities and activities related to such Exploitation activities in the Area, including its log, equipment, records and facilities, as well as interview relevant personnel. [The Inspector shall have the authority to take copies or samples as needed for further analysis].

4. The Contractor, ~~its subcontractors, agents and employees~~ shall cooperate with Inspectors and give full assistance to Inspectors in the performance of their duties, and shall:

(a) Accept and facilitate the prompt and safe boarding and disembarkation of ships and Installations used to carry out Exploitation activities and activities related to such activities in the Area by Inspectors;

(a) bis Keep the Chief Inspector and Sponsoring State or States notified of proposed ship schedules including support and supply vessels, and when feasible, inform the Chief Inspector before any ship commences its voyage to a Contractor's Contract Area to facilitate the conveyance of Inspectors and representatives of Sponsoring States, where appropriate and to keep the Chief Inspector informed if there is a change to proposed ship schedules due to operational, logistical or unforeseen circumstances;

(a) ter Within 7 Days of the Chief Inspector informing the Contractor that the Inspector(s) would like to conduct an [announced] inspection of a Contractor's ship or Installation, the Contractor shall inform the Chief Inspector of the next date a ship will commence its voyage to the Contractor's Contract Area;

(b) Cooperate with and assist in the inspection of any ships or Installations or equipment used to carry out Exploitation activities and activities related to such activities in the Area conducted pursuant to this Regulation and comply with the requests of an Inspector;

(b) bis Provide reasonable facilities, financed by the Contractor, including, food and [where feasible][suitable and secure] accommodation, to Inspectors;

(c) Provide access [at all reasonable times] to all relevant areas, documents, items ~~and,~~ personnel or digital information, as referred to in paragraph 3; [engaged in activities relating to Exploitation activities in the Area, and to relevant areas, items and personnel on ships and Installations engaged in Exploitation activities in the Area; [or on ships and Installations engaged in used to carry out Exploitation activities related to such Exploitation activities in the Area at all reasonable times;]

(d) Provide access to relevant monitoring and surveillance systems and equipment, books, documents, papers and records [regardless of where

~~they may be located] to determine compliance with terms and conditions of an Exploitation Contract and these Regulations;~~

(de) Answer fully and truthfully any questions put to them;

(ef) Accept the deployment of remote real-time monitoring and surveillance equipment in a uniform manner and as required by the Council, the Compliance Committee, or the Chief Inspector;

(f) ~~bis~~ Facilitate the activities of Inspectors to observe the Contractor's monitoring operations; and

(g) Not obstruct, intimidate or interfere with Inspectors in the performance of their duties, or representatives of Sponsoring States, State, or other party concerned who accompany these Inspectors.] [\[Contractors shall also establish and communicate internal procedures to ensure that all personnel are aware of any comply with inspection requirements.\]](#)

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

Paragraph 1 provides the Inspector with the power to decide upon the manner of execution of the inspections. Paragraph 1bis provides that the Inspector/Chief Inspector shall give reasonable notice depending upon this chosen manner of execution. From reading these two paragraphs together, one can conclude that if the chosen manner of execution, for example unannounced, is one where safety requires the Inspector/Chief Inspector to give reasonable notice, the Inspector/Chief Inspector can do so.

In paragraph 1bis, we have added the alternative 'Inspector'. Since there is no consensus yet on an ICE mechanism nor on the role of the Chief Inspector, we propose these two alternatives as a basis for further deliberations.

Furthermore, in paragraph 1bis(d), we have deleted the requirement to give notice of the names of the Inspector(s) due to privacy and anti-corruption reasons.

Specifically with regards to the last sentence of paragraph 1bis, it can be the case that an Inspector might impede activities, without this being the intention at all. We do not consider that such would constitute a violation of the Regulations by the Inspector, if it were to coincidentally occur. Therefore, we propose to delete this sentence entirely.

We propose to delete paragraph 2bis. Inspectors must be able to conduct their inspection independently, without interference of State parties or other parties concerned. We do not consider it an obligation for the Inspectors to be accompanied.

Furthermore, we consider that the amendments to the terminology in paragraph 3 and paragraphs 4, under (c) and (d) need to be aligned. Due to the many changes in the provision, this is no longer the case. We have also taken into account the comments made by many delegations during the Council session in July that paragraphs 4(c) and (d) can be merged.