

**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 ter "Request for inspection in the event of [\[harmful effects\]](#) ~~Harm~~ to the Marine Environment"

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.

Regulation 96ter

Request for **an** inspection ~~in the event of [harmful effects]~~ **Harm to the Marine Environment**

1. ~~In the event of [harmful effects] [Harm] [or risk of harmful effects] to the Marine Environment [or the livelihood of any coastal community, the [adjacent]/[potentially affected]] [coastal State or States][any coastal community] which have~~Where there are grounds for believing ~~such harmful effects are~~is caused by activities in the Area**a Contractor does not comply with, or is at risk of non-compliance with, the rules, regulations and procedures of the Authority, and the terms of the Exploitation Contract as referred to in Regulation 18bis and 98, any Member State may**shall notify the ~~Chief Inspector [and the relevant Contractor]~~ through the ~~Secretary-General in writing~~ of the grounds upon which such belief is based and request an inspection. **[\[The notification shall include all relevant evidence, all documentation supporting the belief that the harmful effects are caused by activities in the Area of non-compliance.\]](#)**

2. The ~~Chief Inspector~~, ~~[upon such notification by a Member State]~~, shall **notify the relevant Contractor and Sponsoring State or States, shall** examine immediately the grounds for an inspection request and shall promptly initiate inspection where such grounds appear reasonable, ~~and invite representatives of the [adjacent]/[potentially affected] coastal State or States to [participate in the inspection][accompany the Inspector], no later than 24 hours after such notification was made by the State or States [to facilitate assessment by the Council of whether any [pollution or] the harm is attributable to activities in the Area.]~~

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

In our view, the scope of this entire Regulation should be formulated more broadly to allow for a request for inspection in different events, including situations in which there is a risk for harmful effects to the marine environment. For example, in the situation in which a Contractor is mining in an area it is not allowed to mine, but there might not be harmful effects to the marine environment or risks of harmful effects.

Paragraph 1

These textual changes broaden the scope of the this Regulation by allowing a request for inspection when there are grounds for believing a Contractor does not comply with, or is at risk of non-compliance with, the rules, regulations and procedures of the Authority, and the terms of the Exploitation Contract as referred to in Regulation 18bis and 98. Regulation 18bis formulates the obligations of the Contractor while Regulation 98 articulates the Inspector's powers in relation to compliance.

We also suggest allowing for all Member States to request an inspection. We invite for views on this.

Paragraph 2

After a request for an inspection has been received, the relevant Contractor and Sponsoring State should be notified.

We propose to delete the last part of this paragraph because we are of the opinion that 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.