

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96(1) / Alt 96(1bis)

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

1. The Council shall ~~on the basis of~~ ~~taking into account~~ the recommendations of the Commission, establish [an independent Inspectorate] [a Compliance Committee], [as an] appropriate mechanism for inspection, compliance, and enforcement for directing and supervising a staff of Inspectors, as provided for in articles 153 (5), 162 (2) (z) and 165 (2)(m) of the Convention ~~]~~ ~~[before exploitation activities commence]~~. Inspections performed shall be undertaken by Inspectors who meet the qualification set out by the Council pursuant to Regulation 97(1).

Deleted: before the approval of the first application of a plan of work for exploitation

[1alt. The Council shall before ~~exploitation activities commence~~, establish an independent staff of inspectors which shall inspect activities in the Area to determine whether the Convention, the Agreement and the Rules of the Authorities as well as the terms and conditions of any contract with the Authority are being complied with as provided for in articles 153 (5) and 162 (2) (z) of the Convention. Inspections shall be undertaken by Inspectors who meet the qualification requirements set out by the Council pursuant to Regulation 97(1). The Inspectors shall be guided by transparency, accountability, ~~and~~ independence. ~~In their election, equitable geographical representation and gender balance shall be taken into account. The Council, through the Compliance Committee, shall exercise oversight over the Inspectors.]~~

Deleted: the start of any mining operation

Deleted: , and the precautionary approach

Alt. Regulation 96

Inspections: mechanism

[1 bis Inspections shall be undertaken by Inspectors who meet the qualification requirements set out by the Council pursuant to Regulation 97(1). The Inspectors shall be guided by transparency, accountability, and independence. In their election, equitable geographical representation and gender balance shall be taken into account.]

Deleted: , and the precautionary approach

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

- We support the Facilitator’s suggestion to continue negotiations on the basis of Draft Regulation Alt. 96, 96bis and 96ter.
- However, if Draft Regulation 96 is maintained, we support using the paragraph 1alt as opposed to paragraph 1, except that the reference to “the start of mining operation” should be replaced with “exploitation activities commence” for consistency with the remainder of the regulations.
- If Draft Regulation 96(1) is maintained, we oppose requiring the Compliance Committee to be established before the Council approves the first plan of work for exploitation. The Compliance Committee will only be required once actual exploitation activities are to commence and there is no need to establish it before plans of work are considered and approved by the Authority.
- We also oppose the inclusion of references to the “precautionary approach” in Draft Regulation 96(1alt) and in Draft Regulation Alt. 96(1 bis).
- The “precautionary approach” has a limited application in the Authority’s current regulations and remains a contested concept in relation to what it requires and how it operates.
- Including the “precautionary approach” in these Draft Regulations would only complicate the work of the Inspectors and make their powers unclear.

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Draft Regulation 96(1 bis)

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1 bis. The Council shall on the basis of the recommendations of the Commission approve and maintain a code of conduct for Inspectors and inspections that takes into account the principles [~~in paragraph (1)~~] [of independence, transparency, accountability, fairness, proportionality and precaution] and includes provisions on identifying and managing conflicts of interest, and on information management and confidentiality. [The Council shall ensure inclusivity, gender equality, equitable geographical representation and health and safety, in recruiting and managing its Inspectors]. [The Council, through the Compliance Committee, shall exercise oversight over the Inspectors].

Deleted: , prior to the approval of a plan of work,

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

- We object to requiring the Council to adopt the code of conduct for Inspectors and inspections before it approves exploitation plans of work.
- There is no logical or technical reason that requires the code of conduct to be in place prior to the Council approving plans of work for exploitation.
- Such a requirement would only unnecessarily add to the delay in the Authority’s consideration of plans of work and the commencement of exploitation activities, with no benefit to the Authority or regulation of activities in the Area.

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Draft Regulation 96(2) / Alt 96(2)

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Regulation 96

Inspections: general

[...]

2. The Contractor shall permit the Authority to send its Inspectors, who shall upon request by sponsoring States, ~~[or other party concerned]~~ be accompanied by a representative of the sponsoring State ~~[or States]~~ ~~[other State Party or other party concerned]~~, ~~[or, with the consent of the Contractor, any person reasonably required to assist an Inspector including an interpreter]~~ aboard all vessels and Installations used by the Contractor to carry out Exploitation activities ~~and activities related to such exploitation activities in the Area~~. 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. The Sponsoring State and the Contractor are entitled to invite at their discretion any person that they consider necessary to be present during the inspection.

Alt. Regulation 96

Inspections: mechanism

[...]

2. A Contractor shall permit the Authority to send its Inspectors, who shall upon request by sponsoring States, be accompanied by a representative of the Sponsoring

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State, aboard all vessels and Installations used by the Contractor to carry out Exploitation activities and activities related to such exploitation activities in the Area. To that end, States Parties, in particular any State or States in whose national jurisdiction or on whose vessel the Authority wishes to conduct inspection activities, shall assist the Compliance Committee, the Chief Inspector and Inspectors in discharging their functions under the Rules of the Authority. Sponsoring State and the Contractor are entitled to invite at their discretion any person that they consider necessary to be present during the Inspection.

Deleted: , other State Party or other party concerned

Deleted: in the Area

Deleted: under an exploitation contract

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

- We oppose allowing “any other State Party” to be present during inspections. There is no rationale for allowing any other State to participate in inspections and their involvement may interfere with the Contractor’s confidentiality and improperly impinge upon the role of Sponsoring States.
- We also propose that Contractors should have the right to expressly consent to other persons being present during inspections and that Contractors and Sponsoring States should be able to invite other persons to also be present.
- We support the drafting of under paragraph 2 in Draft Regulation 96 and Alt 96 to refer to vessels and installations used for Exploitation activities in the Area. However, we have proposed amendments to clarify that this also includes activities related to exploitation such as transportation between vessels on the ocean surface.

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

Draft Regulation 96(3), (3alt), (3alt1), (3bis)

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.

3. The [Inspectorate] [Compliance Committee] [The Inspector] [the Inspector-General] shall give reasonable notice in the circumstances, of not less than [6 weeks] to the Contractor of the projected time and duration of inspections, ~~[for a period as necessary]~~ the names of the Inspector(s) and 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 unnecessarily impede activities in the Area. ~~save in situations where the [Inspectorate] [Compliance Committee] [Inspector] has reasonable grounds to consider the matter to be so urgent that notice cannot be given, in which case the [Inspectorate] [Inspectors] [Compliance Committee] may, where practicable, exercise the right to conduct an inspection without prior notification, [such as when a compliance notice under regulation 103 has been issued to the Contractor in question or where regulation 4(5) applies].~~

~~{3 alt. The Secretary General shall give reasonable notice to the Contractor of the projected time and duration of inspections for a period as necessary, the names of the Inspector(s) and 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.}~~

3 alt1. The [Inspectorate] [Compliance Committee] [The Inspector] [the Inspector-General] shall give reasonable notice, of not less than 6 weeks, to the Contractor of the projected time and duration of inspections for a period as necessary, the names of the Inspector(s) and any activities that the Inspector(s) are to perform that are

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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 unnecessarily impede activities in the Area.](#)

[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](#)].

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

- We consider that a notice period of at least 6 weeks is required in relation to inspections, given the lengthy planning and organisation that will be required to undertake operations in and trips to the Area.
- We have also proposed language in Draft Regulation 96(3)/(3alt1) to ensure that inspection activities do not unnecessarily impede activities in the Area.
- This is to ensure that Inspectors take into account the potential impost of their activities upon the work of Contractors, particularly given the remoteness of the site in which they will be operating, and the considerable time Inspectors are likely to spend at project sites.

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

Draft Regulation 96(4 alt)

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[4 alt. Inspectors may inspect any relevant documents ~~for items which are~~ necessary to monitor the Contractor’s compliance under the exploitation contract and the Rules of the Authority inter alia, all recorded data and samples and any vessel or Installation 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.]

Deleted: operating in the Area

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

- Consistent with the approach taken in Draft Regulation 96(2), we have proposed amendments to clarify the scope of Draft Regulation 96(4 alt) and limit it to vessels undertaking exploitation and related activities in the Area.
- We also propose to clarify that only “relevant” personnel are required to be interviewed by Inspectors.

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Draft Regulation 96(5)(a), (b), I

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

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

[...]

(b) Cooperate with and assist in the inspection of any vessel or Installation or equipment [used ~~to carry out Exploitation activities and activities related to such exploitation activities in the Area~~] conducted pursuant to this regulation and comply with the ~~reasonable~~ requests of an Inspector;

[...]

I Provide access to [all] [relevant] areas, items and personnel or on vessels and Installations [used ~~to carry out Exploitation activities and activities related to such exploitation activities in the Area~~] at all reasonable times, ~~[including access to and use of communication equipment for the purpose of the transmission and receipt of messages]~~.

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

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- Consistent with the approach taken in Draft Regulation 96(2), we have proposed amendments to clarify the scope of sub-paragraphs 5(a) and (b) and limit them to vessels undertaking exploitation and related activities in the Area.
- We also support the use of “relevant” in sub-paragraph (l) to ensure Inspectors do not impinge upon the privacy of crew and the confidentiality of Contractors.

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Draft Regulation 96(5)(a bis) and (a ter)

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

[...]

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

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Deleted: immediately inform

[(a) ter Within seven ~~business~~ days of the Secretary-General informing the Contractor that the Inspector(s) would like to conduct an inspection of a Contractor’s vessel or Installation, the Contractor shall inform the Secretary-General of the next date a vessel will commence its voyage to the Contractor’s Contract Area.]

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

- We propose changes to Draft Regulation 96(5)(a bis) to ensure the notification requirement is not overly burdensome and has sufficient flexibilities to deal with the commercial realities associated with activities in the Area.

- We would encourage the Secretariat to develop a central mechanism for these notifications to reduce duplication and ensure there is a practical and efficient mechanism for these notifications to be done by.
- We also propose to delete the specific timing requirement that would require Contractors to inform the Secretary-General and Inspector-General “immediately” regarding changes in vessel schedules. This may not be feasible due to unexpected or urgent needs for a vessel to commence a voyage to the Contract Area.
- Consistent with our written submission on Draft Regulation 96(2), we propose to limit the reference to States here to Sponsoring States as there is no reason other States require this information.
- We also propose to clarify that the seven days in Draft Regulation 96(5)(a ter) are seven business days.

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Draft Regulation 96(5)(b)bis and 96ter(4)(b)bis

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Regulation 96

Inspections: general

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

[...]

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

Regulation 96 ter

Inspections: general

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

[...]

(b) bis. Provide reasonable facilities, financed by the Contractor, including, where appropriate, food and where feasible accommodation, to Inspectors;

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

- We propose to amend Draft Regulation 96(5)(b)bis and Draft Regulation 96ter(4)(b)bis to limit the requirement to provide accommodation for Inspectors by reference to what is feasible. The nature of the relevant vessels and installations

mean there will be a physical limit on the extent of accommodation that can be made available.

- We also would appreciate clarification if the intention here is that Contractors will be required to maintain extra empty beds on their vessels/installations at all times for Inspectors.

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Draft Regulation 96(5)(d) and 96ter(4)(d)

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Regulation 96

Inspections: general

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

[...]

(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;

Regulation 96 ter

Inspections: general

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

[...]

(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;

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

Deleted: including with the financial payments terms and to verify the expenditures referred to in the Plan of Work [and provide passwords where that is needed]

Deleted: including with the financial payments terms and to verify the expenditures referred to in the Plan of Work

- We object to the proposed obligation in Draft Regulation 96(5)(d) that would require Contractors to disclose passwords to Inspectors.
- The requirement to “provide access” is already sufficiently broad to ensure that Inspectors are able to obtain the information they need.
- An obligation to provide passwords is therefore unnecessary and would raise serious cybersecurity risks and issues.
- We also object to obliging Contractors to provide information on financial compliance under this regulation given the focus of the regulation is on environmental compliance.
- Financial compliance information would be the remit of different employees and a different regime of regulation. It is also unlikely that information on financial expenditures will be kept on production vessels in any case.
- We also note that financial competence is not mentioned in the requirements for the role of the Chief Inspector in Alt. Regulation 96 (1ter).

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Draft Regulation 96(5)(l) and 96ter(4)(e)

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Regulation 96

Inspections: general

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

[...]

I to the extent possible and permitted by any other obligations they are subject to and without prejudice to any legal rights they possess (including regarding due process and against self-incrimination), answer fully and truthfully[any] relevant questions put to them;

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Regulation 96 ter

Inspections: general

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

[...]

(e) to the extent possible and permitted by any other obligations they are subject to and without prejudice to any legal rights they possess (including regarding due process and against self-incrimination), Answer fully and truthfully any relevant questions put to them;

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

- We fully support Contractors honestly engaging with Inspectors to the best of their ability. However, it is also important to ensure there is sufficient flexibility within the regulations to account for legal duties and rights that Contractors and their officers have. This includes on matters such as confidentiality, legal requirements imposed by governments, and self-incrimination. We have proposed language in Draft Regulation 96(5)(l) and Draft Regulation 96ter(4)(e) to reflect these protections.
- We also propose to specify that only relevant questions are to be answered by the Contractor and its employees and agents.

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Draft Regulation 96(5)(f) and 96ter(4)(f)

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Regulation 96

Inspections: general

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

[...]

(f) To the extent possible and subject to the satisfaction of any conditions reasonably required by the Contractor (including regarding compatibility, liability, and training), accept the deployment of remote real-time monitoring and surveillance equipment, [where required] by the Inspectorate and facilitate the activities of Inspectors to observe [and inspect without impacting the Contractor’s operations, the Contractor’s monitoring operations, including access to monitoring and surveillance equipment ~~the Contractor’s monitoring operations.~~:

Regulation 96 ter

Inspections: general

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

[...]

(f) To the extent possible and subject to the satisfaction of any conditions reasonably required by the Contractor (including regarding compatibility, liability, and training),

Deleted: Accept

accept the deployment of remote real-time monitoring and surveillance equipment, where required by the Compliance Committee and facilitate the activities of Inspectors to observe the Contractor's monitoring operations without impacting the Contractor's operations.

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

- We consider that Draft Regulation 96(5)(f) and Draft Regulation 96ter(4)(f) do not take into account the full complexities associated with the deployment of equipment on vessels and installations.
- Prior to deploying any equipment, a range of factors would need to be properly considered including regarding compatibility, liability, the appropriate training of relevant personnel and establishing safe procedures.
- We have proposed language in both of these provisions to reflect these realities and ensure that the monitoring and observation does not unreasonably impact upon the operations of Contractors.

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Draft Regulation 96(5)(g).bis

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Regulation 96

Inspections: general

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

[...]

[(g).bis. Ensure that the Master of the vessel or Installation puts in place procedures to ensure the personal safety, security and general welfare of Inspectors and any persons accompanying an Inspector pursuant to paragraph 2. Inspectors and any person accompanying an Inspector are under obligation to follow all reasonable requests of the master of the vessel or Installation and adhere to all health and safety procedures.]

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

- We propose adding an obligation to Draft Regulation 96(5)(g).bis to require Inspectors and any accompanying persons to adhere to any safety protocols and procedures applicable to them and to follow reasonable requests of the Master of the vessel or Installation. This requirement is important to maintaining health and safety at sea.

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Draft Regulation 96(a)(a) and 96ter(6)(a)

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Regulation 96

Inspections: general

6. Inspectors shall:

(a) Carry out inspections in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of life at sea, and follow reasonable instructions and directions pertaining to the safety of life at sea given to them by the Contractor and the master of the vessel; ~~with due regard to the observance of good seamanship~~ and

Regulation 96 ter

Inspections: general

6. Inspectors shall:

(a) Carry out inspections in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of life at sea, and follow reasonable instructions and directions pertaining to the safety of life at sea given to them by the Contractor and the master of the vessel; with due regard to the observance of good seamanship and

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Deleted: where appropriate

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

- We object to the inclusion of words “where appropriate” in Draft Regulation 96(6)(a) as safety rules are obligatory to all at sea and compliance should not be at the

discretion of the Inspector. Instead we propose clarifying that the instructions given must be reasonable.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96(7)

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.

[7. In the event of a reportable incident of Serious Harm to the Marine Environment and the livelihood of any coastal community, adjacent coastal States which have grounds for believing such Serious Harm is caused by activities in the Area, shall notify the Secretary-General in writing through appropriate channels of the grounds upon which such belief is based and request an inspection.]

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

- Consistent with the approach taken throughout the regulations, we propose limiting the obligation on coastal States to notify the Secretary-General in Draft Regulation 96(7) to “reportable incidents”.
- We also consider that it is important that the regulations take a consistent approach to references of “harm” so that there is a clear standard for when these provisions apply. As such, we propose that Draft Regulation 96(7) be amended to refer to “Serious Harm” consistent with the defined terms and other such references in the regulations, such as in Draft Regulation 99(1).

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Alt Draft Regulation 96(1 bis)

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.

[1 bis Inspections shall be undertaken by Inspectors who meet the qualification requirements set out by the Council pursuant to Regulation 97(1). The Inspectors shall be guided by transparency, accountability, independence, and the precautionary approach. In their selection, equitable geographical representation and gender balance shall be taken into account.]

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

- We note there is a typographical error in Alt Draft Regulation 96(1 bis) – the word “election” should read “selection” given that Inspectors are not going to be elected.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Alt Draft Regulation 96(1 quarter)

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.

1.quarter. The Council shall on the basis of the recommendations of the Commission approve and maintain a code of conduct for Inspectors and inspections, prior to [the commencement of exploitation activities](#), that takes into account the principles in paragraph (1) and includes provisions on identifying and managing conflicts of interest, and on information management and confidentiality.

Deleted: approval of a plan of work

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

- Consistent with our written submission on Draft Regulation 96(1 bis), there is no logical or technical reason that requires the code of conduct for inspectors and inspection to be in place prior to approvals of plans of work.
- Such an approach would only add to the delay in its consideration of a plan of work and the commence of exploitation activities, with no benefit to the Authority or the regulation of activities in the Area.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 bis (1)

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.

1. The Commission shall establish a Compliance Committee comprising of ten members with appropriate expertise within the Commission to carry out the functions of the Compliance Committee in accordance with this regulation.

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

- Consistent with our written submission on Draft Regulation 96(1) and (1 bis), we support proposed Draft Regulation 96 bis(1) as it does not link the establishment of the Compliance Committee to any particular milestone regarding exploitation activities.
- The Compliance Committee will only be required once actual exploitation activities commence and there is no need to establish a Committee before plans of work are considered and approved by the Authority.
- This would only add to the delay in the Council’s consideration of a plan of work and any subsequent commencement of exploitation activities, with no real benefit to the Authority or regulation of activities in the Area.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 bis (2)(e), (f), (g)

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.

2. Without limiting the powers and functions conferred upon another organ of the Authority the Compliance Committee shall:

[...]

(e) Review the annual reports of Contractors and consider any instances of non-compliance;

(f) Examine reports and recommendations from the Chief Inspector and Inspectors, and other relevant data and information and consider any instances of non-compliance;

(g) Report to the Council the results of inspections and resulting recommendations for enforcement action, in a timely and comprehensive manner and coordinate compliance matters with other organs of the Authority that play a role in inspection, compliance and enforcement;

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

- We are concerned with the multitude of reports that the current Draft Regulations propose will be issued by various authorities concerning inspection, compliance and enforcement issues. There is a risk that such reports may overlap and contain inconsistent inconclusions, and also create duplicate work.
- We support the working group further clarifying the roles, functions and reports associated with inspections, compliance and enforcement.

- We also consider that the regulations need to take a consistent approach to allowing Contractors to comment upon reports and review relevant material being produced prior to release, particularly if these are to be made public.
- This will help ensure procedural fairness and the accuracy of the Authority's work, and protect confidential and sensitive information.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 bis (2)(h)

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.

2. Without limiting the powers and functions conferred upon another organ of the Authority the Compliance Committee shall:

[...]

(h) Investigate credible allegations from members of the Authority, members of the Commission, relevant coastal States or the Secretary-General, as well as from observers of the Authority and other Stakeholders on possible instances of Contractor non-compliance, including through any whistle-blowing procedures under regulation 101 bis;

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

- We propose clarifying Draft Regulation 96bis(2)(h) to specify that only credible allegations need to be investigated.
- Mere allegations would include fraudulent, vexatious and unsubstantiated allegations, which should not require further investigation or work by the Authority.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 bis (4)

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.

4. Decisions of the Compliance Committee shall be ~~by a majority of members present and voting. In the case of a tie, the Chair of the Compliance Committee shall have the decisive vote.~~

Deleted: taken by consensus. If all efforts to achieve consensus has been exhausted, decisions shall be taken

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

- Decisions by the Compliance Committee may be time sensitive and need to be acted upon quickly. As such, a consensus decision-making requirement would be inappropriate and majority vote is sufficient to ensure decisions can be made expeditiously.
- This is consistent with existing decision making in the Commission.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 bis (6) and (8)

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.

6. Within 3 months of the end of a Calendar Year the Compliance Committee shall complete an annual inspection, compliance and enforcement report, together with a non-technical summary, and submit the report and summary to the Council for its consideration. Prior to the submission of the report and summary to the Council, the Compliance Committee shall allow Contractors an opportunity to review and comment on the proposed report and summary.

[...]

8. After the Contractors have had an opportunity to respond to the Committee’s report, the Secretary-General shall make publicly available a copy of the Committee’s report, together with Contractors’ responses (if any), and summary on the Authority’s website, with any Confidential Information redacted.

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

- We have proposed additional wording for Draft Regulation 96bis(6) and (8) to ensure Contractors are able to review and comment on compliance and enforcement reports and the summary. Importantly, this should be prior to any publication of these materials to ensure protection of confidential information.

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**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 ter (1) and (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.

1. The Chief Inspector shall give reasonable notice to a Contractor of the projected time and duration of inspections for a period as necessary, the names of the Inspector(s) and 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. Any such activities, special equipment or special assistance requested shall be limited by reference to the contents of the Contractor’s plan of work and Environmental Management and Monitoring Plan.

2. Where the Compliance Committee or the Chief Inspector have reasonable grounds to consider the matter to be so urgent that notice cannot be given, the Compliance Committee or the Chief Inspector shall instruct an Inspector to conduct an inspection without prior notification. In that case, the Compliance Committee or the Chief Inspector shall cooperate with a Contractor to conduct the inspection as soon as practically possible.

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

- We consider that requests made pursuant to Draft Regulation 96 ter (1) must be reasonable.
- To ensure requests are reasonable, we propose language to limit the activities, equipment and assistance that may be requested by reference to the Contractor’s plan of work and Environmental Management and Monitoring Plan.

- It cannot be expected that the Contractor will provide any special equipment or assistance that may not be available given the nature and remoteness of these operations.
- We also propose additional language in Draft Regulation 96 ter (2) to account for the practicalities and logistics of getting personnel to Contract Areas safely and the essential role Contractors will have in this process.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 ter (4)(a), (b) and (c)

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.

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

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

[...]

(b) Cooperate with and assist in the inspection of any vessel or Installation or equipment used to carry out Exploitation activities and activities related to such exploitation activities in the Area, conducted pursuant to this regulation and comply with the requests of an Inspector;

[...]

(c) Provide access to all relevant areas, items and personnel or on vessels and Installations used to carry out Exploitation activities and activities related to such exploitation activities in the Area at all reasonable times.

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

- Consistent with Draft Regulation 96(2), Draft Regulation 96ter (4)(a), (b) and (c) should be limited to vessels and Installations “used in the Area by the Contractor to carry out Exploitation activities and activities related to such exploitation activities” to ensure these regulations are clear in relation to which vessels they apply to and are consistent with the Authority’s jurisdiction under UNCLOS.

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**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 ter (4)(a bis)

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.

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

[...]

(a) bis. Keep the Chief Inspector and sponsoring State or States notified of proposed vessel schedules including support and supply vessels, and inform the Chief Inspector before any vessel commences its voyage to a Contractor’s Contract Area to facilitate the conveyance of Inspectors and representatives of the sponsoring State or States, where appropriate;

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

- As per our written submission on Draft Regulation 96(5)(a bis), we consider that it will be important for the Authority to ensure there is a practical and efficient way for Contractors to notify the Secretary-General and Sponsoring State(s) of vessel schedules.
- We would encourage the Secretariat to develop a central mechanism for these notifications to reduce duplication.
- We also propose removing the timing requirement from Draft Regulation 96ter (4)(a bis) as it may not always be feasible to meet this due to unexpected or urgent needs arising regarding access to the Contract Area.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 96 ter (6)

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.

6. Inspectors shall:

[...]

[\(d\) Allow Contractors to review and comment on the contents of all reports produced by Inspectors prior to their finalisation and, where relevant, publication.](#)

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

- Consistent with our written submissions on Draft Regulation 96 bis (2)(e)-(g), we propose an additional sub-paragraph in Draft Regulation 96 ter (6) that allows Contractors to review and comment on reports produced by Inspectors prior to their finalisation and, where relevant, their publication.
- This will ensure due process rights for Contractors and help protect confidential and sensitive information of Contractors.

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COUNCIL - PART III**

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 97(1 bis)

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.

1 bis. States Parties may, subject to the requirements of this regulation, nominate [~~its nationals as~~] Inspectors for consideration, and inclusion in the roster. Nominees [~~and applicants~~] will be considered against the qualification and experience requirements. [Equitable geographical representation [and gender balance] will also be considered, in line with the Convention principle]. [~~Subject to considerations of protection of personal data~~]. The roster of Inspectors shall be made publicly available on the Authority’s website.

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

- We strongly support the inclusion of criteria regarding equitable geographical representation and gender balance when considering nominee Inspectors for inclusion on the roster.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 97(6)

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.

6. Inspectors may be required to undertake relevant training programmes, [including but not limited to project and vessel inductions, as well as undergo fit for work medical evaluations](#), at the request of the Council, based on the recommendations of the [~~Commission~~] [~~Compliance Committee~~]. The Secretariat shall facilitate the requisite trainings [and evaluations](#). [Inspectors will also be required, with the facilitation of the respective Contractor, to undertake any training that is required by Contractor, including relating to health and safety.](#)

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

- We propose additional, more specific language in Draft Regulation 97(6) on the trainings and evaluations that Inspectors may be required to undertake to reflect the specific requirements that may apply for particular Contractors and their operations.
- Ensuring the safety of Inspectors and other persons on Contractor operations will be critical and appropriate training will be required for this.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 98(1)(b) and (h).bis

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.

1. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract and for no other purpose than those stated in this Regulation (unless authorized by the Council in writing and with due notification of the Contractor):

(a) Question any relevant person engaged by the Contractor in the conduct of Exploitation activities on any matter to which the Rules of the Authority relate;

(b) bis Inspect any ~~relevant~~ relevant documents or items which are necessary to monitor the Contractor’s compliance, all other recorded data and samples and any vessel or Installation used to carry out Exploitation activities and activities related to such exploitation activities in the Area including its log, ~~personnel~~, equipment, records and facilities and ~~question~~ [interview] relevant personnel.

[...]

~~[(h).bis. A "do not disturb notice", in writing, in order to allow the further inspection, examination or measurement of, or the conducting of tests concerning, any vessel, installation, equipment or facilities used in to carry out Exploitation activities and activities related to such exploitation activities in the Area.]~~

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

- We propose additional language in Draft Regulation 98(1) to prevent Inspectors from using their powers for a purpose other than those stated in the Regulation.

- We also propose additional language in Draft Regulation 98(1)(a) and (b) to clarify that these apply in relation to “relevant” persons and documents.
- Consistent with the approach taken in Draft Regulation 96(2), we have proposed amendments to clarify the scope of that Draft Regulation 98(1)(b) and (h).bis and limit it to vessels undertaking exploitation and related activities in the Area.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 98(1)(e)

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.

(e) Inspect or test any machinery or equipment, [only if they are qualified and competent to do so and only](#) under the supervision of the Contractor or its agents or employees that, in the Inspector’s opinion, is being or is intended to be used for the purposes of the Exploitation activities;

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

- We propose additional wording to Draft Regulation 98(1)(e) to clarify that Inspectors that are inspecting or testing any machinery or equipment must have appropriate qualifications and training to do so.
- This clarification is important to ensure the health and safety of personnel and Inspectors and to avoid damage to complex and expensive equipment.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 98(1)(g)

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.

[(g) Remove ~~any~~ representative samples or copies of assays of such samples from any vessel or equipment used for or in connection with the Exploitation activities ~~[that the Inspector may reasonably require];~~]

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

- We support the insertion into Draft Regulation 98(1)(g) that the Inspector may only remove samples or copies from vessels or equipment if this is reasonably required.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 98(6)

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.

6. 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 and for no other purposes than those stated in this Regulation [approved by the Council].

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

- Consistent with our written submission on Draft Regulation 98(1), we propose amending Draft Regulation 98(6) to clarify that Inspectors shall conduct their duties for no other purposes than those provided for in the Regulation.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 99(1) and (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.

1. If, as a result of an inspection, an Inspector has reasonable grounds to determine [or 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 ~~or a Contractor is otherwise in breach of the terms of its contract with the Authority~~ the Inspector ~~shall issue a Corrective Action Request and~~ give an ~~y~~ instruction ~~in writing of a~~ temporary nature considered reasonably necessary to remedy the situation, in accordance with ~~[the]~~ ~~any applicable~~ Standards, including: [...]

Deleted: ~~including Underwater Cultural Heritage~~

2. An instruction ~~shall be issued, in writing~~ under paragraph 1 above ~~which~~ must be given to the person designated by the Contractor or, in his or her absence, the most senior employee available aboard the vessel or Installation to whom the instruction can be issued. ~~[The Inspectorate shall also request the Secretary General to provide a copy of the instruction, and notice that it has been issued, to the Contractor’s sponsoring State or States.]~~

Deleted: ~~may~~

Deleted: ~~either orally or~~

Deleted: ~~. [If the instruction is issued orally, the Inspector must confirm it in writing and give it to the person concerned at the earliest opportunity.]~~

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

- Consistent with our written submissions on Draft Regulation 96(7), we consider that it is important that the regulations take a consistent approach to references to “harm” so that there is a clear standard for when these provisions apply. As such, we support the use of “Serious Harm” in Draft Regulation 99(1).
- We propose to delete the reference to Underwater Cultural Heritage in Draft Regulation 99(1). We note and appreciate the on-going work by the working group that is discussing an appropriate way to refer to and incorporate concepts around

cultural heritage and underwater cultural heritage into the regulatory regime. We note that the working group is yet to reach a consensus on these issues, including on the inclusion of these concepts or how they are to be defined.

- Given the on-going discussions in the working group, we consider it is premature to include reference to underwater cultural heritage in Draft Regulation 99. As such the reference should be deleted.
- We also consider that, consistent with standard industry practice, all instructions from Inspectors should be in writing. We have proposed amendments to make this clear in Draft Regulation 99(1) and deleting the option for oral instructions in Draft Regulation 99(2).
- This is also consistent with Draft Regulation 99(3. Alt. septies octies) which empowers the Compliance Committee to take certain actions where the Contractor “has failed to comply with a written instruction”.
- We also propose that the Authority establish a Corrective Action Request procedure, as would be typical for regulators. This would ensure that instructions are clear and there is a verifiable record of them being given to Contractors.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 99(3.[Alt.octies] nonies)

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.

[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] [exploitation] activities are not resolved or are unlikely to be resolved, the [Inspector-General] Compliance Committee shall notify the Council immediately together with any recommendation as to whether such suspension should continue. Following consultations with the Contractor, the Council shall decide if the suspension should continue, including the placing of conditions on any recommencement of activities, taking into account any recommendations of the Commission.]

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

- We propose that Draft Regulation 99(3.[Alt octies] nonies) be amended to ensure that prior to any decision regarding continuing a suspension the Council consults the Contractor. This will ensure that Contractors are afforded due process and the ability to comment on and inform these decisions before they are made.

Deleted: I

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 99(3), (3)alt and (4)

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

- We strongly support the Facilitator’s suggestion to continue negotiations of Draft Regulation 99(3) on the basis of the alternative paragraph 3 and new paragraph 4 texts rather than the original paragraph 3. The original paragraph 3 was unnecessarily lengthy and prescriptive.

Deleted: [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.]

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 100(1 bis alt)

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.

[1 bis alt. The Contractor and the sponsoring State or States may within thirty days of the date of receipt of the Inspector’s report, provide to the Secretary-General comments on the findings and recommendations.] The Secretary-General shall transmit any comments to the Compliance Committee.

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

- We support the proposed addition to Draft Regulation 100(1 bis alt) and the Facilitator’s work consolidating and streamlining Draft Regulation 100.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 100bis

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

- We support the proposal to delete Draft Regulation 100(bis) given that it overlaps with the annual inspection, compliance and enforcement reporting requirements of the Compliance Committee set out in Draft Regulation 96 bis.

Deleted: The Secretary-General shall prepare an annual compliance report for each Contractor, which shall be made available in draft form [within thirty Days] for comment to the Contractor and the Sponsoring State [or States], before being reported to the Council and published in the Seabed Mining Register. [The Council shall invite the attention of the Assembly to cases of non-compliance in accordance with Article 162(2)(a) of the Convention.] ¶

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 101bis(5)

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. A Contractor, [\[its subcontractors and their agents\] who are substantively involved in activities and working directly in the Area](#), shall have in operation whistle-blowing and complaints procedures, which must be publicly advertised, and which should include details of the Authority’s equivalent procedures to enable direct reporting to the Authority by a complainant where preferable.]

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

- We propose to limit the subcontractors and agents that would be required to have whistle-blowing and complaints procedures under Draft Regulation 101bis(5) to those who are actually involved in activities in the Area.
- Contractors may have a range of subcontractors and agents – some of them engaged for discrete tasks and on matters unrelated to activities in the Area. It would be unnecessarily onerous to require every such entity to be subject to these requirements.
- Our proposed amendments will also ensure that the entities subject to this regulation properly fall within the jurisdiction of the Authority, which is limited by UNCLOS to activities in the Area.

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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Section 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

Regulation 102

Vessel notification, electronic monitoring and data reporting

4. A Contractor shall permit the Inspectors having access to any monitoring or surveillance systems and equipment.

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

- We consider that, except for Draft Regulation 102(4), the substance of all of Section 2 is already covered by Contractors’ Environmental Monitoring and Management Plan. The Draft Regulations should not duplicate provisions that are already covered elsewhere.
- We propose to delete all of Section 2, except for Draft Regulation 102(4) which provides Inspectors with access to monitoring or surveillance systems and equipment.

Deleted: Section 2
Monitoring

Deleted: ~~[1- A Contractor shall restrict its mining operations to the Mining Area.]~~

2. All installations, ~~[mining]~~ vessels and mining collectors involved in exploitation activities under the Exploitation contract shall be fitted with:

(a) [an electronic monitoring system] [A device] ~~[which]~~ shall record, where technically feasible in real time, inter alia, the date, time and position of all mining activities, [and environmental data, including Underwater Cultural Heritage]; and

[(b) The electronic monitoring system shall also encompass the monitoring of the environment, implementing the obligations under Regulation [46ter], [allowing for adaptive management during the mining operation.]

[(c) a satellite tracking system to enable identification of each vessel and determination of its position, navigation status, course and speed.] The detail and frequency of reporting shall be in accordance with the Standards and taking into account the Guidelines.

2 bis. The Contractor shall use the best-available environmental ~~[and archaeological techniques]~~ to monitor in real-time and in the actual environment the mining impact, including the removal of mineral resources, plume dispersal, chemical emissions, introduction of pollutants including light and sound, ~~[The electronic monitoring system shall be in accordance with the Environmental Monitoring and Management Plan] [allowing for adaptive management during the mining operation].~~

[2 ter. The electronic monitoring system [should][shall] also encompass the monitoring of mining impacts and be in accordance with the Environmental Monitoring and Management Plan, as well as include a survey of the seabed to identify Underwater Cultural Heritage implementing the obligations under Regulation 46, [allowing for adaptive management during the mining operation].]

3. ~~The [Inspectorate] [Compliance Committee] [Council]~~ shall notify the sponsoring State ~~[or States]~~ and shall issue a compliance notice under regulation 103, where there is reasonable evidence to suggest based on the data transmitted to the Authority that unapproved mining activities have occurred or are occurring.

3 bis. ~~The [Environmental Monitoring and Management Plan] shall include:~~

~~(a) a description of the monitoring technology and system to be implemented, including the types of data to be collected and monitored, and frequency of monitoring and data that can be collected and monitored in real-time;~~

Deleted:

5. ~~All data received and transmitted to the Authority [Compliance Committee] [the Inspectorate] under this regulation shall also be transmitted to the Council and the sponsoring State or States] and [non-confidential data] be made publicly available in real time [on the Authority's website].~~

~~[5- alt. All data received under this regulation, shall be transmitted to the Authority, and made available publicly on the Authority's website.]~~

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 102(2)(a)

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.

2. All installations, ~~mining~~ vessels and mining collectors involved in exploitation activities under the Exploitation contract shall be fitted with:

(a) [an electronic monitoring system] [A device] ~~which~~ shall record, where technically feasible in real time, inter alia, the date, time and position of all mining activities, [and environmental data]; and

Deleted: , including Underwater Cultural Heritage

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

- While our primary position is that all of Draft Regulation 102 should be deleted, except for paragraph 4, if the regulation is maintained (noting the on-going work of the working group on this issue) we propose the reference to “Underwater Cultural Heritage” in Draft Regulation 102(2)(a) be deleted.
- We note and appreciate the on-going work by the working group that is discussing an appropriate way to refer to and incorporate concepts around cultural heritage and underwater cultural heritage into the regulatory regime. We note that the working group is yet to reach a consensus on these issues, including on the inclusion of these concepts or how they are to be defined.
- Given the on-going discussions in the working group, we consider it is premature to include reference to underwater cultural heritage in Draft Regulation 102. As such the reference should be deleted.
- It is also inappropriate to include this new concept under regulations dealing with environmental monitoring – which is distinct from issues of cultural heritage.

**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:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 102(2 bis)

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.

2 bis. The Contractor shall use the best-available environmental ~~and archaeological techniques~~ to monitor in real-time, where feasible, and in the actual environment the mining impact. [The electronic monitoring system shall be in accordance with the Environmental Monitoring and Management Plan] ~~[allowing for adaptive management during the mining operation].~~

Deleted: , including the removal of mineral resources, plume dispersal, chemical emissions, introduction of pollutants including light and sound,

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

- While our primary position is that all of Draft Regulation 102 should be deleted, except for paragraph 4, if the regulation is maintained we propose to amend Draft Regulation 102(2 bis) so that real-time monitoring will only be required where it is feasible to deploy.
- Given the nature of the operations in the Area and the remoteness of the facilities, it may not be feasible in all circumstances for monitoring to be done in real-time.
- We also consider that the list of what will be monitored will be set out in the Environmental Monitoring and Management Plan (EMMP) and so does not need to be repeated in the regulations. As such we propose removing the examples listed in paragraph 2 bis, given these may be inconsistent or incomplete as compared to the relevant EMMP.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 102(2 ter)

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.

[2 ter. The electronic monitoring system [should][shall] also encompass the monitoring of mining impacts and be in accordance with the Environmental Monitoring and Management Plan, implementing the obligations under Regulation 46, [allowing for adaptive management during the mining operation].]

Deleted: as well as include a survey of the seabed to identify Underwater Cultural Heritage

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

- Our primary position is that all of Draft Regulation 102 should be deleted, except for paragraph 4. If the regulation is maintained, consistent with our written submission on Draft Regulation 102(2 bis), we note that not all mining impacts will be able to be monitored in real time by electronic monitoring systems and that we do not read Draft Regulation 102(2 ter) as requiring this.
- Consistent with our written submission on Draft Regulation 99(1), we also propose the reference to Underwater Cultural Heritage be deleted, given the on-going discussions in the working group on this issue.
- We note and appreciate the on-going work by the working group that is discussing an appropriate way to refer to and incorporate concepts around cultural heritage and underwater cultural heritage into the regulatory regime. We note that the working group is yet to reach a consensus on these issues, including on the inclusion of these concepts or how they are to be defined.
- Given the on-going discussions in the working group, we consider it is premature to include reference to underwater cultural heritage in Draft Regulation 102. As such the reference should be deleted.

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 102(3 bis)

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

- Our primary position is that all of Draft Regulation 102 should be deleted, except for paragraph 4. If the regulation is maintained, we particularly consider that the substance of Draft Regulation 102(3 bis) is already entirely covered by Environmental Monitoring and Management Plans (EMMP).
- There is no need to duplicate the EMMP requirements here. At most Draft Regulation 102(3 bis) could cross-reference the relevant regulations dealing with the EMMP.
- We also note that Draft Regulation 102(3 bis)(b) and (c) suggest that Contractors will be required to have a monitoring office with subject matter experts monitoring data as it is received. If this is the case, we consider it will be important to be clear on what the qualifications and criteria must be met for such an office, and that any such requirement is not onerously applied to Contractors.

Deleted: 3 bis. The [Environmental Monitoring and Management] Plan shall include:

- ¶ (a) a description of the monitoring technology and system to be implemented, including the types of data to be collected and monitored, and frequency of monitoring and data that can be collected and monitored in real-time; ¶
- ¶ (b) a description of how the monitoring data will be transmitted during operations, how the data will be labelled and monitored by qualified personnel, and how the data will be stored; ¶
- ¶ (c) the qualifications and proposed location of the personnel monitoring the data; and ¶
- ¶ (d) a description of the procedures for providing the Authority and the sponsoring State or States access to or receipt of the monitoring data for the purposes of monitoring compliance with the terms of an exploitation contract and collection of data. ¶

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

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1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 102(5)

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. All data received and transmitted to the Authority ~~[Compliance Committee] [the Inspectorate]~~ under this regulation shall ~~also~~ be transmitted to ~~the Council and~~ the sponsoring State or States].

Deleted: and ~~[non-confidential data]~~ be made publicly available in real time ~~[on the Authority's website]~~

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

- Our primary position is that all of Draft Regulation 102 should be deleted, except for paragraph 4. If the regulation is maintained, we particularly consider that the proposed real-time publication of data transmitted to the Authority in Draft Regulation 102(5) is unrealistic and does not reflect the physical practicalities of mining operations nor the difficulties in processing and publishing the large amount of data that will be generated.
- It is not possible for Contractors to provide publishable monitoring data in real time to the Authority and then for that data to be able to be simultaneously published online. This requirement would impose significant costs and burdens on the Authority and may still not be technically feasible given the nature of the operations.
- As such, we have proposed amendments to Draft Regulation 102(5) to remove the reference to real-time online publication of this data.

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COUNCIL - PART III**

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Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 103(1.bis.Alt)

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.

~~[1.bis.Alt. The Authority should discuss the issue in detail with the Contractor to inform decisions of the Council.]~~

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

- We support the proposed alternative Draft Regulation 103(1.bis.Alt), which ensures that Contractors will be consulted in relation to decisions on compliance. This will enable the Council to make informed decisions and ensure contractors are afforded procedural fairness.

Deleted: [1.bis. Actions taken under this Regulation by the Authority should be commensurate with the gravity, frequency, and other circumstances of the actual or anticipated breach by the Contractor, which may include taking account of the Contractor's previous conduct under contract with the Authority.]¶

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

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Informal Working Group on Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. And Blue Minerals Jamaica

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

Draft Regulation 103(5.bis.Alt 1)

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. bis Alt 1 The Secretary-General shall make public any compliance notice issued to a Contractor, any response received from the Contractor or Sponsoring State or States, subject to the confidentiality requirements of Regulation 90. The Inspector-General shall present in their annual report to the Council a summary of any compliance notices the Inspectorate has issued.]~~

Deleted: 5 bis. The Secretary-General shall make public any compliance notice issued to a Contractor, as well as any response received from the Contractor (and Sponsoring State), subject to the confidentiality obligations of Regulation 90, ~~and shall present an annual report to the Council summarizing any compliance notices the Authority has issued.~~ ¶

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

- We support the proposed alternative Draft Regulation 103(5.bis.Alt 1) regarding the publication of compliance notices and associated responses which will help support transparency. We also support ensuring that applicable confidentiality requirements will be respected in relation to these publication requirements.

