

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART I**

***Informal Working Group – Inspection, Compliance and Enforcement***

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).*

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

France

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

Draft Regulation 104 (2)

**3. Kindly provide the proposed amendments to the regulation 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 104  
Power to take remedial action**

(...)

2. If the Authority takes remedial action or measures under paragraph 1 above, the actual and reasonable costs and expenses incurred by the Authority in taking that action are a debt due to the Authority from the Contractor, and may be recovered from the Environmental Performance Guarantee lodged by the Contractor, and thus extinguishing the Contractor’s debt and putting an end to the dispute.

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

The 2nd paragraph authorizes the Authority to recover the costs and expenses it has incurred by taking from the Environmental Performance Guarantee lodged by the contractor, highlighting once again the need to clarify the objective of this Guarantee fund. If the mechanism provided in the 2nd paragraph was to be adopted, it is necessary to specify that this reimbursement by the Authority **extinguishes the Contractors debt** and therefore **puts an end to the dispute.**