

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH 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.

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

Republic of Nauru

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

Regulation 100

3. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

1. ~~At~~ Within 20 Days of the end of an inspection, the Inspector shall prepare a report, setting out, inter alia, his or her ~~general~~ findings and any recommendations for improvements in performance, procedures or practices by ~~the a~~ Contractor. Such recommendations may include a requirement for the Contractor to submit a performance improvement plan to the Secretary-General and the sponsoring State or States within an agreed time based on the findings contained in the report.

1(bis) The Inspector shall send a copy of the report to the Contractor, who may, within 7 Days of the date of the Inspector’s report, provide comments to the Inspector on his or her findings and recommendations.

1(ter) Immediately following the expiry of the period under paragraph 1bis, tThe Inspector shall send the report together with comments from a Contractor, if any, to the Secretary-General, and the Secretary-General shall send a copy of the report and any such comments to the ~~Contractor and to the~~ sponsoring State or States and, if appropriate, the relevant coastal State or States and the flag State.

1 (qauter) The sponsoring State or States shall provide to the Secretary-General details of any regulatory or other action taken or to be taken because of the Inspectors’ findings or recommendations.

2. The Secretary-General shall report annually to the Council on the findings and recommendations following the inspections conducted in the prior Calendar Year, and shall make any recommendations to the Council on any regulatory action to be taken by the Council under these regulations and an exploitation contract, taking account of any regulatory action taken by the sponsoring State or States or corrective actions taken by a Contractor to address the findings or recommendations including under a performance improvement plan.

4. Inspectors reports, Contractor comments and performance improvement plans shall be published in the Seabed Mining Register, except for Confidential Information, which shall be redacted.

Regulation 100bis

Secretary-General to disseminate best practice

1. The Secretary-General shall, at least annually, disseminate any findings and recommendations arising from inspections to the Commission, Contractors and to sponsoring States that will contribute to the development of Good Industry Practice, Best Environmental Practices and Best Available Techniques.

2. The Commission and the Secretary-General shall consider such findings and recommendations in their respective reviews of Guidelines under regulation 95(3).

3. The Commission shall also consider such findings and recommendations in making any recommendations to the Council on the adoption or revision of Standards under regulation 94(1) or recommendations to the Council under regulation 44(3).

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

1. We consider, along with other delegations, it would be good practice to place a time limit on the preparation reports. We also consider that an important recommendation could be the preparation of a performance improvement plan by a Contractor to address matters in the report.

1bis: we consider that in the interests of procedural fairness, a Contractor should be afforded the opportunity to make comments on the report before it is forwarded by the Secretary-General.

1 (quarter) There should be a dialogue between the sponsoring State or States and the Secretary-General to ensure there is no unnecessary duplication in regulatory action. Equally, a sponsoring State may be in a position to take more timely regulatory action.

2. As a result of the inspector's report, a sponsoring State may have already taken appropriate regulatory intervention, and no further action may be required by the Authority, noting the need to avoid unnecessary duplication under regulation 3(b). Equally, and procedurally, account should be taken of the corrective actions taken by a contractor.

100(bis): findings and recommendations should not be lost and will contribute to advancing best practices. This new regulation is suggested to address this point.