

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

***Informal Working Group – Institutional Matters***

*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:**

Republic of Nauru

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

Regulation 32.

**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.**

1. A Contractor shall reduce the risk of Incidents as much as reasonably practicable, to the point where the cost of further risk reduction would be grossly disproportionate to the benefits of such reduction, taking into account the ~~relevant~~ applicable Guidelines.

2. The reasonable practicability of risk reduction measures shall be kept under review in the light of new knowledge and technology developments and Good Industry Practice, Best Available Techniques and Best Environmental Practices. In assessing whether the time, cost and effort would be grossly disproportionate to the benefits of further reducing the risk, consideration shall be given to best practice risk levels compatible with the operations being conducted.

3. A Contractor shall maintain the necessary risk assessment and risk management systems in accordance with Good Industry Practice, Best Available Techniques and Best Environmental Practices and shall report annually to the Secretary-General on such systems in accordance with regulation 38(2)(h).

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

1. This paragraph speaks to the risk of Incidents – a defined term. We consider in light of the Commission’s Draft guidelines on the tools and techniques for hazard identification and risk assessments (ISBA/27/C/8) that the concept has broader application to include HSE accidents or other hazards. This should be clarified, and the regulatory text adjusted accordingly.

3. As part of the assessment of the technical capability of an applicant, the Commission must determine that the applicant has established the necessary risk assessment and risk management systems (regulation 13(3)(c). Under regulation

38(2)(h), as part of the annual report a contractor must provide a statement that all risk management systems and procedures have been followed and remain in place. Yet there is no general obligation to maintain such systems; this suggested text will take care of this.