

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

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

**1. Name of Working Group:**

President

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

Republic of Costa Rica

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

DR 34

**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. A Contractor shall immediately notify its sponsoring State or States ~~[and]~~ [.] the Secretary-General ~~[and relevant [adjacent] coastal States]~~ of the happening of any of the ~~Notifiable E~~events listed in appendix I to these regulations.
2. The Contractor shall, as soon as reasonably practicable, but no later than 24 hours after the Contractor becomes aware of any such ~~Notifiable E~~event,
3. ~~Upon receipt of notification under paragraph (2),~~ The Secretary-General shall consult with the sponsoring State or States, ~~[relevant [adjacent] coastal States]~~ and other regulatory authorities as necessary, ~~and shall seek the instructions of the Compliance Committee.~~

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

As a general comment, we note that two different processes are described for responding to Incidents [DR33] and Notifiable Events [DR34]. Examining the definitions of these two categories reveals a large degree of overlap, albeit expressed in slightly different terms:

- ‘Incidents’ (defined in the Schedule to the Regulations) include: death or serious injury, loss of a person from a ship, endangerment to the ship or people, collision or material damage to a ship, potential and incurred Serious Harm to the environment, and damage to submarine cables.
- ‘Notifiable events’ (defined in Appendix 1 to the Regulations) include: a fatality, missing person, occupational injury or illness, vessel collision, hazardous substance leak, contact with fishing gear or submarine cable.

Including these separate but overlapping defined terms and specifying separate regimes for each, is unnecessary and confusing - and could lead to ineffective responses to emergencies. Amendment to the definition of 'Notifiable events' (in Appendix 1 to the Regulations) is required to remove the overlaps between the two categories of events, with 'Incidents' focusing on those events which might have more serious implications for the environment, property, or human life, while 'Notifiable Events' are those that would require further monitoring and a potential management response, but do not yet rise to the level of an 'Incident'. We propose those changes in our Appendix 1 submission.