

**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 – ICE.

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

Republic of Nauru

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

Regulation 96bis(2)(b), new (h)bis, new (h)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.

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

(h) bis Issue compliance notices under regulation 103, and in urgent cases, take any appropriate interim measures where necessary;

(h) ter Undertake in collaboration with the Secretary-General compliance promotion activities to promote understanding of and compliance with the Rules of the Authority, including dissemination of best practice arising from inspection activities.

**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.

**7. The report shall include details of any regulatory action taken by a sponsoring State or States as advised in writing to the Chief Inspector or Secretary-General, any corrective action undertaken by a Contractor and any recommendations as to any enforcement action to be taken by the Council to which regulation 100(2) refers. The report shall also include any findings and recommendations arising from inspections that may contribute to the development of Good Industry Practice, Best Environmental Practices and Best Available Techniques.

**8. The Secretary-General shall make publicly available a copy of the Committee’s report and summary on the Authority’s website, with any Confidential Information redacted.]

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

(b) Reinstate language from the prior text to reflect the specific mandate of the Committee vis-à-vis annual reports.

(h) bis The text presented at regulation 96bis, paragraph 2(k) in the third revised text relating to the issue of compliance notices and the taking of interim measures should re-instated. It is good practice to have cross references in the regulations and to reflect that the Committee is empowered to take interim measures where necessary.

(h) ter The text presented at regulation 96bis, paragraph 2(n) in the third revised text relating to compliance promotion activities should be re-instated. Compliance promotion is a key component of the compliance assurance process and responsibility should vest in the Committee in collaboration with the Secretary-General.

**Paras 6-8: please note that these paragraphs were reflected in the third revised text and have been removed in the fourth revised text. It may be in streamlining the text that the requirements of regulation 100 bis (as revised) is considered adequate. However, we note that the proposed contents of an annual report are broader than the contractor annual compliance report and suggest that the re-introduction of these paragraphs be considered. Such report could annex compliance reports (if required). Their removal is also creating some confusion in the drafting of regulation 100(2) and other regulatory text.