

**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 – Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 103(1)

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. At any time, if it appears to the Compliance Committee based on reasonable grounds, including a report from an Inspector, or failure to comply with a written instruction under regulation 99, that a Contractor is in breach of ~~or is at risk of breaching~~, the terms and conditions of its exploitation contract, provisions of the Convention related to activities in the Area, the Agreement or the rules, regulations and procedures of the Authority, the Compliance Committee shall issue a compliance notice to the Contractor requiring such action necessary to remedy the breach as may be specified in the compliance notice and shall report immediately to the Council on the issue of such notice. The Compliance Committee shall, through the Secretary-General, provide a copy of the compliance notice to the Contractor’s Sponsoring State or States. ~~to:~~

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

- We support limiting Draft Regulation 103(1) to cases where a Contractor is in breach (rather than just at risk of breaching) of its obligations.
- We also propose clarifying that the compliance notice must specify actions that are required to remedy the breach. This will ensure that the Compliance Committee issues only appropriate instructions directed towards the breach.
- We also propose language to ensure Sponsoring States are made aware of compliance notices issued to their Contractors.

**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 – Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 103(1.bis.Alt)

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.bis.Alt. The ~~Authority~~ Compliance Committee should discuss the issue in detail with the Contractor to inform decisions of the Council.↓

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

- We propose amending Draft Regulation 103(1.bis.Alt) to make clear which organ of the Authority will undertake the discussions with the Contractor.

**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 – Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 103(4)

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.

4. The Contractor shall be given a reasonable opportunity not exceeding 30 days to make representations in writing to the Secretary General concerning any aspect of the compliance notice, who shall transmit same to the Compliance Committee. Having considered ~~the~~ any such representations and taking account of any enforcement action taken or to be taken by the sponsoring State or States, the Compliance Committee may make recommendations to the Council to confirm, modify or withdraw the compliance notice.

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

- We propose amending Draft Regulation 103(4) to ensure the Compliance Committee takes into account any actions Sponsoring States may have taken in relation to the non-compliance.
- This will help ensure non-duplication of compliance actions and ensure coordination between regulatory authorities.

**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 – Inspection, Compliance and Enforcement

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 103(5)

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.

5. If a Contractor, in spite of one or more warnings by the Authority, fails to implement the measures set out in a compliance notice and ~~continues its~~ has conducted activities in such a way as to result in serious, persistent and wilful violations of the fundamental terms of the exploitation contract, ~~provisions of the Convention related activity in the Area, the Agreement or the rules, regulations and procedures of the Authority,~~ Part XI of the Convention, the Agreement or the rules, regulations and procedures of the Authority. the Council ~~shall~~ may suspend or terminate the exploitation contract by providing written notice of suspension or termination to the Contractor in accordance with the terms of the exploitation contract.

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

- We propose amendments to make Draft Regulation 103(5) more consistent with Article 18 of Annex III of the Convention.
- We also propose replacing the term “shall” with “may” to clarify that the Council has discretion in determining an adequate response to non-compliance by a Contractor and to preserve the Council’s decision-making flexibility in such a scenario. Requiring suspension or termination would inappropriately limit the Council’s regulatory authority here.