

**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. 104(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. Where a Contractor fails to take action required under regulation 103, the Authority ~~[through the Secretary-General]~~ may carry out any remedial works or take such measures as it considers reasonably necessary to prevent or mitigate the effects or potential effects of a Contractor’s failure to comply with the terms and conditions of an exploitation contract. **The Council, after consultation with the Contractor and based on the recommendations of the Commission, shall determine the nature of such works or measures and the manner in which they are to be carried out.**

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

- We propose amendments to Draft Regulation 104(1) to require the Council to consult with the Contractor prior to determining the nature of remedial works and how these will be carried out. We also support deleting the reference to the Secretary-General.
- Given the Contractor will bear the costs and expenses incurred by such work, it should have the ability to inform the scope of work undertaken. The Contractor will also have knowledge of the relevant issue which will be useful to inform the Council’s decision.
- We also propose to involve the Commission in this process to ensure the Council has the benefit of its expertise on technical matters regarding what works or measures may be appropriate.