

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto: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. 96 bis

**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.**

**Comments/remarks**

Specific comments on draft regulation 96:

- In draft regulation 96, para 3, a participant has suggested to replace the Chief Inspector with a Standing Committee. Entailing that the Compliance Committee shall establish a Standing Committee, composed of the Chair of Commission and/or the Chair of the Compliance Committee and some individual members from the Compliance Committee. I invite for discussions of this proposal.

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

- We do not support the suggestion to create an additional Standing Committee instead of a Chief Inspector position.
- A Standing Committee would unnecessarily add another layer of bureaucracy to compliance processes.

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[4. 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.](#)

[5. 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.](#)

[6. 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]**

- We propose to reinsert the above paragraphs to Draft Regulation 96bis as they provide important guidance to the Compliance Committee regarding its annual reporting to the Council.
- These reporting obligations are important for transparency and are also referred to in Draft Regulations 100(2) and 103(5bis).

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Draft Reg. 96bis(2)

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**Regulation 96 bis**

**Compliance Committee**

[...]

2. The Compliance Committee shall, inter alia:

[...]

(b) In coordination with the Commission, Rreview the annual reports of Contractors for instances of non-compliance;

(c) Examine reports and recommendations from the Chief Inspector and Inspectors, and other relevant data and information;

[...]

~~(e) Convene, with the support of the Secretary General, a process to liaise with Contractors in cases of non-compliance or complaints;~~

[...]

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

[...]

(g bis) 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

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

- We note the Draft Regulations currently contain multiple reporting and oversight mechanisms. It will be important to ensure these are reviewed across the Draft Regulations to ensure they are coherent and consistent.
- We have proposed amendments to Draft Regulation 96bis(2)(b) to clarify the purpose of the Compliance Committee's review of annual reports and to ensure this is done in coordination with the Commission.
- We propose to delete Draft Regulation 96bis(2)(e) as it is unclear what process the Compliance Committee would convene as distinct from the existing processes regarding non-compliance and complaints set out in the Draft Regulations.
- We have also proposed two new sub-paragraphs for Draft Regulation 96bis(2).
- Sub-paragraph (f bis) makes clear that the Compliance Committee is able to issue compliance notices under the relevant regulation.
- Sub-paragraph (g bis) empowers the Compliance Committee to promote compliance activities. This is an important function to enable the Compliance Committee to proactively promote compliance as opposed to merely responding to incidents and issues as they arise.