

**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. 96 quarter (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.

Regulation 96 quarter

Request for inspection in the event of Serious Harm to the Marine Environment

1. In the event of an Incident that causes Serious Harm to the Marine Environment ~~and the livelihood of any coastal community, the~~ adjacent potentially affected coastal State or States which have grounds for believing such harm is caused by activities in the Area, shall notify the Chief Inspector through the Secretary-General in writing ~~through appropriate channels~~ of the grounds upon which such belief is based and request an inspection.

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

- As per our previous submissions, we reiterate that Draft Regulation 96 quarter(1) should be limited to “Incidents” of “Serious Harm”.
- It is important that the Draft Regulations take a considered and consistent approach to references to impact upon the marine environment. We consider that the concept of “Serious Harm” is a key concept for setting an appropriate level of materiality for triggering specific regulatory responses, such as that envisaged here.
- Exploitation activities will necessarily have an impact upon the environment and that this is unavoidable. As such, when considering what actions should give rise to regulatory action, we need to ensure a specific and clear standard is employed – namely the standard of Serious Harm.
- We are also concerned that the wording “livelihood of any coastal community” is vague. We propose the removal of this wording or having it defined for clarity.

- We also propose amendments to clarify which States this applies in relation to and that the Chief Inspector is the entity to be notified.

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Draft Reg. 96 quarter (2)

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2. The ~~Secretary General~~[Chief Inspector](#), upon the notification of a Member State, shall [determine whether the request for inspection contains reasonable grounds for believing Serious Harm is being caused. If the Chief Inspector is satisfied that there are reasonable grounds for believing that Serious Harm is being caused, the Chief Inspector shall](#) promptly initiate inspection, and invite representatives of coastal States to participate in the inspection, no later than 24 hours after such notification was made by the States to assess whether pollution the harm is attributable to activities in the Area.

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

- We consider that the most appropriate person to receive and act upon the notification under Draft Regulation 96 quarter would be the Chief Inspector, given the notification could trigger an inspection.
- We also propose including an additional step in this process whereby the Chief Inspector first determines if the request has reasonable grounds and only then initiates an inspection. This is important to ensure inspection resources and costs are used efficiently and effectively.