

**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. 96ter(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 ter**

**Access to inspections**

1. The Chief Inspector shall give reasonable notice to a Contractor of the projected time and duration of inspections, the names of the Inspector(s) and any activities that the Inspector(s) are to perform that are likely to require the availability of special equipment or special assistance from the personnel of the Contractor. The activities of the Inspector(s) should in any case not unnecessarily impede activities in the Area nor should Inspectors require equipment or assistance beyond what is reasonable, taking into account the Contractor’s Environmental Management and Monitoring Plan.

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

- We consider that in addition to not unnecessarily impeding activities in the Area, it is also important that any equipment or assistance requested by Inspectors is reasonable. This is particularly so given the remote nature of the Area and the logistical challenge of operations there.
- As such, we propose an amendment to Draft Regulation 96 ter(1) to ensure such requests are reasonable in light of the Contractor’s EMMP.

**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. 96ter(3)

**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.**

3. Inspectors may, [in accordance with these Regulations](#), inspect any relevant documents necessary to monitor a Contractor’s compliance under its exploitation contract and the Rules of the Authority which include inter alia, all recorded data and samples and any ships or Installation used by the Contractor to carry out Exploitation [and Exploration](#) activities ~~and activities related to such exploitation activities in the Area~~, including its log, equipment, records and facilities, as well as interview relevant personnel.

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

- We propose to amend Draft Regulation 96ter(3) to make clear that the inspection of documents must be done in accordance with the Regulations, including relevant limitations such as those related to confidentiality.
- We also propose making clear that this provision also applies in relation to any exploration activities the Contractor undertakes, recalling that both exploration and exploitation activities may be undertaken under an exploitation contract.

**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. 96ter(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, its subcontractors, agents and employees shall cooperate with Inspectors and give full assistance to Inspectors in the performance of their duties, and shall:

(a) Accept and facilitate the prompt and safe boarding and disembarkation of ships and Installations used to carry out Exploitation and Exploration activities and activities related to such activities in the Area by Inspectors;

[...]

(b) Cooperate with and assist in the inspection of any ship or Installation or equipment used to carry out Exploitation and Exploration activities and activities related to such activities in the Area conducted pursuant to this regulation and comply with the requests of an Inspector;

[...]

(c) Provide access to all relevant areas, items and personnel on ships and Installations used to carry out Exploitation and Exploration activities related to such exploitation activities in the Area at all reasonable times.

[...]

(e) Answer fully and truthfully any relevant questions put to them, without prejudice to any other legal rights and obligations they possess;

(f) To the extent possible and subject to the satisfaction of any conditions reasonably required by the Contractor (including regarding compatibility, liability, and training),

~~Accept~~ [accept](#) the deployment of remote real-time monitoring and surveillance equipment in a uniform manner and as required by the Council or the Compliance Committee;

(f)bis Facilitate the activities of Inspectors to observe the Contractor's monitoring operations [without unduly impacting the Contractor's operations](#).

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

- We propose to amend Draft Regulation 96ter(4) to make clear that it also applies in relation to any exploration activities the Contractor undertakes.
- In relation to Draft Regulation 96ter(4)(e) we reiterate our concern that this requirement must be subject to legal rights and obligations that may prevent an answer from being given. We also consider that Contractors should only have to answer relevant questions. We have proposed amendments to reflect this.
- In relation to Draft Regulation 96ter(4)(f), given the complex nature of operations, we consider it is important that this be limited by language recognizing that it may not always be possible to access these operations or that certain training, liability or other conditions may need to be satisfied. We have proposed amendments to reflect this.
- In relation to Draft Regulation 96ter(4)(f)bis, we reiterate our proposal that there needs to be limits on this right of Inspectors so that they do not unduly impact upon the operations of Contractors.