

**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. 97bis(1)(a)

**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 97 bis**

**Inspector’s functions and ~~liabilities~~ responsibilities.**

**1. ~~{In conducting the inspections, the}~~ Inspectors shall:**

(a) Carry out inspections in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of life at sea, and ~~where appropriate~~ follow reasonable instructions and directions pertaining to the safety of life at sea given to them by the Contractor and the master of the ~~ship vessel; with due regard to the observance of good seamanship and~~

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

- We propose changing the title of Draft Regulation 97 bis to change the word “liabilities” to “responsibilities”. This regulation does not deal with ‘liabilities’ of Inspectors, but instead sets out what they are responsible for doing.
- We also reiterate our prior proposal to remove the words “where appropriate” from Draft Regulation 97bis(1)(a) as safety rules are obligatory for all at sea and compliance should not be at the discretion of the Inspector. Instead, we propose clarifying that the instructions given must be reasonable

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

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Draft Reg. 97bis(2)

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2. The Compliance Committee, upon the notification of any Member State on reasonable grounds that an inspection is expedient to prevent Contractor non-compliance or Serious ~~harm~~ Harm to the Marine Environment, shall promptly initiate inspection.

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

- We consider that the substance of Draft Regulation 97bis(2) is now entirely covered by Draft Regulation 96quarter. As such, this paragraph should be deleted.
- However, if the paragraph is maintained we consider it should be limited to prevention 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.
- We know that exploitation activities will have an impact upon the marine 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.