

**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. 98(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 98

Inspectors’ powers

1. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract:

(a) Question any ~~{relevant}~~ person engaged by the Contractor in the conduct of Exploitation and Exploration activities on any matter to which the Rules of the Authority relate;

[...]

~~{(g) Remove representative samples or copies of assays of such samples from any vessel-ship or equipment used for or in connection with the Exploitation and Exploitation activities that the Inspector may reasonably require;}~~

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

- We propose to add references to “Exploration” activities throughout Draft Regulation 98(1) given that Contractors may be undertaking both exploration and exploitation activities under their contract.
- We also support the change from “vessel” to “ship” for consistency.

**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. 98(1)(b), (c) and (f)

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. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract: [...]

(b) Require any person who has control over, or custody of, any relevant document, whether in electronic form or in hard copy, including a plan, book or record, to produce that document to the Inspector immediately or at any other time and place that the Inspector requires;

(b) bis Inspect any ~~{relevant}~~ documents or items which are necessary to monitor the Contractor’s compliance, all other recorded data and samples and any ~~vessel-ship~~ or Installation used ~~{to carry out Exploitation activities and activities related to such exploitation activities in the Area}~~ ~~in connection with activities in the Area~~ including its log, equipment, records and facilities and question relevant personnel.

(c) ~~{Request} Require~~ from any person referred to in subparagraph (b) above the ~~{reason for} an explanation of~~ any entry or non-entry in any relevant document over which that person has custody or control; [...]

~~{(f) {After due notification to the Authority giving reasons for the same, s} Seize~~ relevant document ~~{s}, article{s}, substance or any part or sample of such for examination or analysis that the Inspector may reasonably require;}~~

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

- Consistent with our earlier submission, we propose additional wording to Draft Regulation 98(1)(b), (c) and (f) to clarify that only relevant documents can be inspected and seized. These changes also ensure the language is consistent with sub-

paragraphs (a) and b(bis). We also support the proposed deletions and insertions in these paragraphs as reflected above.

**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. 98(1)(h)

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. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract: [...]

(h) Require the Contractor to carry out such procedures in respect of any equipment used for or in connection with the Exploitation activities as may be deemed reasonably necessary by the Inspector; and,

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

- We propose to insert a reasonableness requirement into Draft Regulation 98(1)(h) to ensure that Inspectors consider what is reasonable when requiring Contractors to carry out procedures.