

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS
DURING THE 29TH SESSION: COUNCIL - PART I**

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.im.

1. Name of Working Group:

President's Text

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.

Appendix I

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.

Appendix I [President's Text]

Notifiable events

In respect of an Installation or vessel engaged in activities in the Area, notifiable events for the purposes of Regulation 34 include any of the following events, except for where it constitutes an Incident for the purposes of these Regulations:

[...]

4. Significant leak of hazardous substance, as determined in accordance with the relevant Standard and Guideline.

5. Unauthorized Mining Discharge.

6. Adverse environmental conditions ~~with likely~~ that caused or had a credible chance of causing significant safety and/or environmental consequences.

7. Significant threat or breach of security, [including cyber security].

8. Impairment/damage to safety or environmentally critical equipment, where such impairment/damage prevents compliance with the Regulations.

9. Contact with fishing gear resulting in its damage.

10. ~~Suspected contact~~ Contact with submarine pipelines or cables resulting in its damage or an event that had a credible chance of causing such damage.

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

- It is important that notifiable events are clearly defined so that the obligation under Draft Regulation 34 can be transparently complied with and there is no ambiguity regarding whether or not a notification needs to be made.
- We also consider that it is important to ensure that these are limited to events that reach a threshold that warrant notification to avoid overburdening the Authority and Sponsoring States with irrelevant or minor notifications.
- To that end, we propose:
 - Amending paragraph 4 to have the threshold for significance be set in a Standard or Guideline. This will ensure there is clear guidance as to what constitutes “significant” in the context of leaks of hazardous substances;
 - Amending paragraph 6 to avoid it requiring notification of every major storm at sea and other common adverse environmental conditions that merely had a chance of impacting upon safety or the environment. We do not consider the original drafting of paragraph 6 constituted an actual ‘event’, so we propose to amend this to refer to actual conditions that caused an impact or that had a real chance of causing such an impact.
 - Amending paragraph 8 to limit its application to situations where such impairment or damage impacts upon compliance. Mere minor impairment or damage to some equipment should not be notifiable, particularly where it is able to be quickly remedied and/or there is other equipment that can continue to ensure that Contractors can comply with their obligations.
 - Amending paragraph 10 to make the relevant notifiable event clearer in scope by referring to actual contact that caused damage or had a credible chance of causing damage to the pipeline or cable.