

**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.jm.

1. Name of Working Group:

Informal Working Group on Inspections, 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 Regulation 96quat (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 quat [IWG ICE]

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 ~~or and the livelihood of any coastal community~~, the [adjacent] [potentially affected] coastal State or States which have grounds for believing such Serious Harm is caused by activities in the Area, shall notify the Chief Inspector and the relevant Contractor ~~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]

- In line with our separate submission on the use of the term Serious Harm across the Draft Regulations, we reiterate that the standard for harm here should be Serious Harm not just the risk of any and all harmful effects. “Serious Harm” is a key concept for setting out the legal obligations on Contractors with regard to protecting the Marine Environment.
- We strongly believe that Draft Regulation 96 quat(1) should be limited to “Incidents” of “Serious Harm”. Exploitation activities will necessarily have an impact upon the environment, and 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 treaty standard of Serious Harm.
- We are concerned that the wording “livelihood of any coastal community” is vague. We propose the removal of this wording or having it defined for clarity.

- Finally, it will be important to ensure that the Contractor also has visibility of any Incidents causing Serious Harm so that they can be involved in how they are addressed and can also provide the Chief Inspector with up-to-date and relevant information regarding their response.