

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS  
DURING THE 29<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Informal Working Group on 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 Regulation 96ter (3) and (4)(e)

**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 [IWG ICE]**

**Access to inspections**

[...]

3. Inspectors may, in accordance with these Regulations, inspect any relevant documents [or items] necessary to monitor a Contractor’s compliance under its Exploitation Contract and the ~~r~~Rules, ~~regulations and procedures~~ 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 activities and activities related to such Exploitation activities in the Area, including its log, equipment, records and facilities, as well as interview relevant personnel.

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:

[...]

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

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

- We are concerned that the language in Draft Regulation 96ter(3) could be read as granting a broad, unrestricted power to Inspectors to undertake inspections. However, this would be contrary to the specific regulations and provisions that are included throughout the Draft Regulations governing such inspections.

- As such, we propose amendments to clarify that the reference to inspections here is to inspections that are done in accordance with the Draft Regulations, including in compliance with any limitations and requirements that apply to such inspections.
- We also remained concerned that Draft Regulation 96ter(4)(3) could result in Inspectors forcing contractors to breach legal confidences or act contrary to other rights and obligations that contractors have or owe to others. We propose amendments to this subparagraph to ensure that it is clear that the requirement to answer questions is subject to appropriate legal limits.