

**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 98(1)(b)

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 [IWG ICE]

Inspectors’ powers

1. An Inspector may, for the purposes of monitoring or enforcing compliance with the rRules, regulations and procedures of the Authority and the terms of the Exploitation Contract:

[...]

(b) Subject to any legal requirement, obligation or duty that would prevent disclosure:

(i) 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 a copy of that document to the Inspector [immediately] or at any other time and place ~~that required by~~ the Inspector ~~requires in writing~~;

(bii) bis Inspect any relevant documents or items which are necessary to monitor the Contractor’s compliance, all other recorded data and samples and any ship or Installation ~~engaged used~~ [into carry out Exploitation activities and activities related to such Eexploitation activities in the Area] including its log, equipment, records and facilities and question relevant personnel.

[...]

[(fi) [After due notification to the Authority giving reasons for the same], [Sseize] [Acquire copies of] [relevant] documents, articles, substance or any part or sample of such for [further] examination or analysis that the Inspector may reasonably require;]

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

- We are concerned that Draft Regulation 98(1)(b) is likely to be inconsistent with International Maritime Organization requirements that restrict who is able to access maritime security plans.
- Specifically, these requirements limit who is able to access maritime security plans. There may also be other legal requirements that restrict the ability of Contractors to produce documents to inspectors.
- As such, we have proposed amendments to avoid inadvertently requiring Contractors to breach their legal requirements.