TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I

Informal Working Group – Institutional Matters

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. **Name(s) of Delegation(s) making the proposal:**

   China

2. **Please indicate the relevant provision to which the textual proposal refers.**

   Regulation 4.

3. **Kindly provide the proposed amendments to the regulation 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.**

   (4) If the Commission determines, taking account of the relevant ~~Guidelines~~ Standards, that there are clear grounds for believing that Serious Harm to the Marine Environment is likely to occur, it shall recommend that the Council issue an emergency order pursuant to article 165 (2) (k) of the Convention.

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

   With regard to paragraph 4 of this regulation, in order that the issuance of emergency orders by the Council is more authoritative, China proposes to substitute the legally binding "standards" for the term "guidelines". It is also suggested that the procedures and rules through which the Council issues emergency orders should be clarified to make this paragraph more operational.

   With regard to paragraph 5 of this regulation, in accordance with the UNCLOS, if the Commission determines that the Serious Harm or threat of Serious Harm to the Marine Environment is attributable to a breach by the Contractor, it shall make recommendations to the Council, the organ that is entitled to make decisions on the measures to be taken. The Secretary-General has no authority to issue a compliance notice or to order an inspection on the Contractor's activities. If there is need to delegate relevant power to the Secretary-General, it should be authorized by the Council with specific terms of reference provided for in the Exploitation Regulations.