

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

Informal Working Group - Inspection, Compliance and Enforcement

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.

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3. 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.

*Note: China’s amendments are in Blue

1. The Contractor shall permit the Authority to send its Inspectors, who ~~[may]~~ [shall upon request by sponsoring States or other party be concerned] be accompanied by a representative of ~~the its~~ sponsoring State or other party concerned, in accordance with article 165 (3) of the Convention, aboard all vessels and Installations ~~whether offshore or onshore,~~ used in the Area by the Contractor to carry out Exploitation activities under an exploitation contract ~~as well as to enter its offices wherever situated.~~ To that end, Members of the Authority, in particular the sponsoring State or States, shall assist the Council, the Secretary-General and Inspectors in discharging their functions under the Rules of the Authority.

5. The Contractor and its agents and employees shall facilitate the actions of the Inspectors in the performance of their duties, and shall:

(a) Accept and facilitate the prompt and safe boarding and disembarkation of vessels and Installations used in the Area in connection with activities in the Area by Inspectors;

(b) Cooperate with and assist in the inspection of any vessel or Installation or equipment used in the Area in connection with activities in the Area conducted pursuant to this regulation [and comply with the reasonable requests of an Inspector];

(c) Provide access to all relevant areas, items and personnel ~~[in offices]~~ or on vessels and Installations used in the Area in connection with activities in the Area at all reasonable times, [including access to and use of communication equipment for the purpose of the transmission and receipt of messages];

(f) Accept the deployment of remote real-time monitoring and surveillance equipment, where required by the ~~Secretary-General~~ Council, and facilitate the activities of Inspectors in deploying such equipment and having access thereto; and

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

Regarding paragraph 2, Article 153 (5) of the Convention provides that the Authority shall have the right to inspect all installations in the Area used in connection with activities in the Area. Therefore, the Exploitation Regulations shall only require the Contractor to permit the Inspectors to inspect vessels and Installations used in the Area by the Contractor to carry out Exploitation activities under an exploitation contract. The contents “whether offshore or onshore” and “to enter its offices wherever situated” obviously exceed the provisions of the Convention and should be deleted.

Regarding paragraph 5 (a) (b) and (c), Article 153 (5) of the Convention provides that the Authority shall have the right to inspect all installations in the Area used in connection with activities in the Area. Therefore, vessel, Installation or equipment mentioned in (a) (b) and (c) should be confined to those “used in the Area in connection with activities in the Area”. Regarding paragraph 5(f), the Contractor is required to accept the deployment of remote, real-time monitoring and surveillance equipment, which involves substantive matters of inspection and should be required by the Council.