

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

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.

Regulation 98

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.

1. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract:

~~(f) Seize any document, article, substance or any part or sample of such for examination or analysis that the Inspector may reasonably require;~~

~~(g) Remove any representative samples or copies of assays of such samples from any vessel or equipment used for or in connection with the Exploitation activities;~~

~~3. Before an Inspector may seize any document under paragraph 1 (f) above, the Contractor may copy it.~~

~~4. When an Inspector seizes or removes any item under this regulation, the Inspector shall issue a receipt for that item to the Contractor.~~

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

In accordance with Article 162 (2) (z) of the Convention, the function of an inspector is to determine whether the provisions of the Convention, the rules, regulations and procedures of the Authority and the terms and conditions of any contract with the Authority are being complied with by Contractors. The provisions of paragraph 1 (f) and (g), and paragraph 3 and 4 of this regulation, empower the inspectors such powers to seize documents and remove samples, which are clearly beyond the scope of authorization by Convention. It is suggested that the powers and responsibilities of the inspectors be further clarified and the relevant provisions authorizing “law enforcement powers” be deleted.