

**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 99

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.

none

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

Paragraph 1 gives inspectors the power to issue instructions in cases of “emergency” and “breach of the terms of exploitation contracts”, including requiring a suspension in mining activities and the placing of conditions for the continuation of mining activities, which clearly exceed the authorization by the Convention. Such powers should be enjoyed by the Council. In accordance with the Convention and the Exploration Regulations adopted by the Authority, “in case of emergency”, the Council shall issue an emergency order or the Secretary-General may take temporary measures “pending any action by the Council”. Therefore, the inspector should report to the Authority immediately in case of emergency. Pending any action by the Council, the Secretary-General may take temporary measures as authorized by the Council, which should have a certain duration.

The provision of “or is otherwise in breach of the terms of its exploitation contract” in this paragraph is too broad and not “emergent” in nature. According to the Convention, the Authority may issue warnings to Contractors in case of breach of contract, and the inspectors are not in a position to issue instructions. It is suggested that relevant content be further clarified and revised.