

**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:

France

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

ISBA/25/C/WP.1 - Regulation 103 (5)

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.

Regulation 103

Compliance notice and termination of exploitation contract

[...]

5. If a Contractor, in spite of warnings by the Authority, fails to implement the measures set out in a compliance notice and continues its activities in such a way as to result in serious, persistent ~~and~~or wilful violations of the fundamental terms of the contract, Part XI of the Convention and the rules, regulations and procedures of the Authority, the Council may suspend or terminate the exploitation contract by providing written notice of suspension or termination to the Contractor in accordance with the terms of the exploitation contract.

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

The character serious, persistent AND willful seems to be too restrictive. The character persistent or willful appears to be sufficient, particularly as the Council as quite a wide marge of maneuver for the appreciation of the type of punishment that will for the contractors failure to meet his obligations.