

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

Informal Working Group on 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 council@isa.org.jm.

1. Name of Working Group:

Informal Working Group on Inspection, Compliance and Enforcement

2. Name(s) of Delegation(s) making the proposal:

China

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

Regulation 103 Compliance notice, [suspension] and termination of exploitation contract

4. 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. At any time, if it appears to the ~~Commission~~ [Secretary-General] [Inspectorate] based on reasonable grounds that a Contractor is in breach of the terms and conditions of its exploitation contract, Part XI and the rules, regulations and procedures of the Authority, the ~~Commission~~ [Secretary-General] [Inspectorate] shall make recommendations to the Council to issue a compliance notice to the Contractor requiring the Contractor to take such action as may be specified in the compliance notice [and report immediately to the Council].

2. (b) ...as the ~~Council~~ [Secretary-General] [Inspectorate] considers appropriate to ensure compliance within a specified time period.

4. ...the ~~Commission~~ [Secretary-General] [Inspectorate] concerning any aspect of the compliance notice. Having considered the representations, the ~~Commission~~ [Secretary-General] [Inspectorate] may make recommendations to the Council to confirm, modify or withdraw the compliance notice.

5. If a Contractor, in spite of [one or more] warnings by the ~~Council~~ [Authority] [Inspectorate], ...

5.bis The Secretary-General shall make public any compliance notice ~~and shall present an annual report to the Council on any compliance notices the Authority~~ has issued.

~~8. The Secretary-General shall notify the Council as soon as reasonably practicable of any matter requiring the Council to issue an emergency order under article 162(2)(w) of the Convention, in accordance with regulation 4(4).~~

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

Regarding paragraph 1 and 4, the Convention neither stipulates nor presupposes the future establishment of the so-called “Inspectorate”, and it is suggested to delete it. The issuance of a compliance notice by the Secretary-General is beyond the provisions of the Convention, which falls within the purview of the Council. As an organ of the Council, the Commission should make recommendations to the Council on matters related to compliance notice.

Regarding paragraph 2 (b), the Convention neither stipulates nor presupposes the future establishment of the so-called “Inspectorate”, and it is suggested to delete it. Ensuring compliance with relevant decisions falls within the purview of the Council, not the Secretary-General.

Regarding paragraph 5, the Convention neither stipulates nor presupposes the future establishment of the so-called “Inspectorate”, and it is suggested to delete it. Issuing compliance notices falls within the purview of the Council and shall be exercised by the Council.

Regarding paragraph 5bis, The Secretary-General, as the chief administrative officer of the Authority, shall make public compliance notices issued by the Council.

Regarding paragraph 8, it is about the content of emergency order, which has been stipulated in paragraph 4 of Regulation 4 of the Draft Regulations, and it is suggested to delete it here.