

**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 98 Inspectors' powers

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

(b)bis Inspect any relevant documents or items which are necessary to monitor the Contractor's compliance, all other recorded data and samples and any vessel or Installation used ~~in the Area~~ in connection with activities in the Area including its log, personnel, equipment, records and facilities;

~~{(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.}~~

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

Regarding paragraph 1, 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. This paragraph should be limited to vessels or installations “used in the Area in connection with activities in the Area”. In accordance with Article 162(2)(z) and Article 165(2)(m) of the Convention, the Inspector shall inspect activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures of the Authority, and the terms and conditions of any contract with the Authority are being complied with. The inspectors' power should be limited to inspecting, recording, and reporting on activities in the Area, and the Convention does not grant them enforcement powers. Paragraph 1(f) and (g), which authorize Inspectors to withhold documents, take samples and other powers, exceed the provisions of the Convention and should be deleted.

Regarding paragraphs 3 and 4, in accordance with Article 162(2)(z) and Article 165(2)(m) of the Convention, the Inspector shall inspect activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures of the Authority, and the terms and conditions of any contract with the Authority are being complied with. The inspectors' power should be limited to inspecting, recording, and reporting on activities in the Area, and the Convention does not grant them enforcement powers. Authorizing Inspectors to withhold documents, take samples and other powers exceeds the provisions of the Convention and should be deleted.