

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

IWG Inspections

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

Russian Federation

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

Reg. 103

**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.**

1. At any time, if it appears to the [Inspectorate] [Compliance Committee] [Commission] based on reasonable grounds, including a report from an Inspector, that a Contractor is in breach of, or is at risk of breaching, the terms and conditions of its exploitation contract, ~~Part XI and provisions of the Convention related activity in the Area, Agreement,~~ the rules, regulations and procedures of the Authority, or these regulations, the [Commission] [Inspectorate] [Compliance Committee] 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 shall report immediately to the Council to:~~

~~(i) seek dialogue with the Contractor to discuss and attempt to resolve the issue;~~

(ii) issue written warnings, including warnings in relation to possible action the Authority may take in the event of failure to act or future breaches;

(iii) agree with the Contractor on an improvement plan, which shall include: actions to be taken to return to compliance, how the actions’ effectiveness will be monitored and reported, the time permitted for action, and subsequent steps should the actions be unsuccessful, or should non-compliance continue;

(iv) agree with the Contractor a modification to the Plan of Work, in accordance with regulation 57; or

(v) issue a compliance notice to the Contractor requiring the Contractor to take such action as may be specified in the compliance notice

~~1 bis. Actions taken under this Regulation by~~ the Authority should ~~be discuss the issue in detail with the Contractor to inform decision of the Council.~~

~~commensurate with the gravity, frequency, and other circumstances of the actual or anticipated breach by the Contractor, which may include taking account of the Contractor's previous conduct under contract with the Authority.]~~

2. A compliance notice may be issued only in case of breach of the terms and conditions of its exploitation contract, Part XI and provisions of the Convention related activity in the Area, the rules, regulations and procedures of the Authority, or these regulations.

A compliance notice shall:

(a) Describe the ~~alleged~~ breach and the factual basis for it; and

(b) Require the Contractor to take remedial action or other such steps as the ~~[Secretary General]~~ [Inspectorate] [Compliance Committee] [Council] considers appropriate to ensure compliance within a specified time period.

2 bis. Actions specified in the compliance notice should be commensurate with the gravity, frequency or other circumstances of the ~~alleged~~ breach.

5. If a Contractor, in spite of one or more warnings by the [Authority] [Inspectorate] [Council], 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 or willful violations of the fundamental terms of the exploitation contract, provisions of the Convention related activity in the Area, Agreement Part XI of the Convention [and/or] the rules, regulations and procedures of the Authority, the Council shall 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.

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

1. We suggest a few edits in aim to make the paragraph more clear and show the hexarchy of the possible actions of the Council.

We suggest changing "Part XI" to "provisions of the Convention related activity in the Area", because not only Part XI relates to the activity in the Area (e.g., Annex III). The same is for paragraph 5.

2. We think important to highlight that a compliance notice can be issued just in case of breaching (not in a case of a risk of breaching)