

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART II**

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 101bis Whistle-blowing procedures

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**

~~3. The [Compliance Committee] shall develop and implement:~~

~~a. whistle-blowing policy for the staff of the Authority, the Inspectorate, the Enterprise, and personnel of Contractors, and~~

~~b. a public complaints procedure to facilitate reporting to the Authority by any person of any concerns about the activities of a Contractor, or the Authority.~~

~~4. The whistle-blowing and complaints procedures under this Regulation must:~~

~~a. be publicly advertised,~~

~~b. be easy to access and navigate,~~

~~c. enable anonymous reporting,~~

~~d. trigger investigations of reports by independent persons, and~~

~~e. be proactively communicated by the Secretary General to Contractors and their staff, and other Stakeholders.~~

~~5. A Contractor, [its subcontractors and their agents] shall have in operation whistle-blowing and complaints procedures, which must be publicly advertised, and which should include details of the Authority’s equivalent procedures to enable direct reporting to the Authority by a complainant where preferable.]~~

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

The whistle blowing procedures should not be included in the Exploitation Regulations. Firstly, the whistleblower procedure involves the general policies of the Authority, and it is not appropriate to be regulated by the Exploitation Regulations. Secondly, establishing a whistleblower procedure needs to comply with the provisions of the Convention and clarify its relationship with the current complaint procedures and provisions of the Authority. It is suggested to delete relevant content in the draft Regulations.