

**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 Institutional Matters

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

China

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

Regulation 13 Assessment of Applicants [and applications]

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. The Commission shall determine taking into account the [relevant] comments made by members of the Authority and Stakeholders, any responses by the applicant and any additional information or comments provided by the Secretary-General] if the applicant:

~~1. (g) Has demonstrated, in relation to the accommodation of other activities in the Marine Environment, due diligence to:]~~

~~[(i) — identify in service and planned submarine cables and pipelines in, or adjacent to, the area under application using the publicly available data and resources as listed in the Guidelines;]~~

~~[(ii) — identify sea lanes in, or adjacent to, the area under application that are essential to international navigation;]~~

~~[(iii) — identify areas of intense fishing activity in, or adjacent to, the area under application]; and~~

~~[(iv) — where other marine users are identified in relation to the area under application, consult with those users to agree measures the Contractor will take to give reasonable regard to their activities (such as an easement, or a mining exclusion zone within a reasonable radius);]~~

1. [(h) Has demonstrated a satisfactory record of past performance both within the Area and ~~in other jurisdictions.~~]

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

The consideration of application by LTC shall only consider comments related to the application, and non-relevant comments shall not be included in the scope of consideration of LTC. The consideration of application by LTC shall not be affected by non-relevant comments.

Regarding 1 (g), We propose to delete this paragraph. “Due regard” is provided for in the Convention, and “due regard” is a two-way street, and other activities do not enjoy rights superior to activities in the Area unless specifically provided for in the Convention. In accordance with article 147, paragraph 2 of the Convention, activities in the Area are subject only to the use of recognized sea lanes to international navigation or in areas of intense fishing activity. Moreover, article 31 of the draft exploitation Regulations already provides for the obligation of due regard, which need not be repeated here.

Regarding 1. [(h), We propose to delete "in other jurisdictions". The applicant's past performance that is not related to the activities in the Area is not directly related to whether the applicant can apply for exploitation in the “Area”.