

**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 15 Commission's recommendation for the approval of a Plan of Work

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**

Regulation 15 Commission's recommendation for the approval of a Plan of Work

1. If the Commission determines that the applicant meets the criteria set out in regulations 12 (4) and 13, it shall recommend approval of the Plan of Work to the Council.

2. The Commission shall not recommend approval of a proposed Plan of Work if part or all of the area covered by the proposed Plan of Work is included in:

(a) A Plan of Work for Exploration approved by the Council for the same Resource category for a different qualified applicant; or

(b) A Plan of Work approved by the Council for Exploration or Exploitation of other Resources if the proposed Plan of Work would be likely to cause undue interference with activities under such approved Plan of Work for other Resources; or

(c) An area disapproved for Exploitation by the Council pursuant to article 162 (2) (x) of the Convention; or

(d) A Reserved Area or an area designated by the Council to be a Reserved Area, except in the case of eligible applications under these Regulations made in respect of a Reserved Area.

3. The Commission shall not recommend the approval of a proposed Plan of Work if it determines that:

(a) Such approval would permit a State party or entities sponsored by it to monopolize the conduct of activities in the Area with regard to the Resource category in the proposed Plan of Work; or

(b) The total area allocated to a Contractor under any approved Plan of Work would exceed:

(i) 75,000 square kilometres in the case of polymetallic nodules; or

(ii) 2,500 square kilometres in the case of polymetallic sulphides;

(iii) 1,000 square kilometres in the case of cobalt-rich ferromanganese crusts.

4. If the Commission determines that the applicant does not meet the criteria set out in regulations 12 (4) and 13, the Commission shall so inform the applicant in writing by providing the reasons why any criteria has not been met by the applicant, and provide the applicant with a further opportunity to make representations within 90 Days of the date of notification to the applicant.

5. At its next available meeting, the Commission shall consider any such representations made by the applicant when preparing its reports and recommendations to the Council, provided that the representations have been circulated at least 30 Days in advance of that meeting. The Commission shall then consider the application afresh, in the light of the representations, in accordance with this Section 3.

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

1. This article is proposed to be amended as a whole. According 165 (2)(b) of the Convention, review formal written plans of work for activities in the Area in accordance with article 153, paragraph 3, and submit appropriate recommendations to the Council. The Commission shall base its recommendations solely on the grounds stated in Annex III and shall report fully thereon to the Council. How the Commission exercises its function is regulated by the Convention and limited by its rules of procedure. This article requires Commission to list matters such as divergences of opinion in the decision of Commission, any conditions the Commission considers appropriate to deal with adverse effects of the proposed activities, which are internal matters of the Commission. It is proposed to be deleted.

2. The situations for not approval of the propose work plan, such as the proposed work plan inconsistent with the best scientific evidence or the precautionary principle, etc., which are already listed in article 13 and need not be repeated here.

3. As for Paragraph 3 (c), in accordance with article 6, paragraph 4, of Annex III to the Convention, the “monopoly” referred to by the ISA in its consideration of the work plan relates to activities within the “area” rather than products. The monopoly here refers to the "product". The monopoly of a certain metal product relates to many factors such as source, market, price, etc., and should be deleted.

4. Paragraph 6 provides that the Commission may reject the application and return it to the applicant. But with reference to the exploration regulations, if the Commission considers that the application does not meet the requirements, it shall give the applicant the opportunity to amend its application.

5. The consideration of the exploitation work plan by the Commission can refer to the consideration of the exploration work plan stipulated in the Exploration Regulations or the relevant content of the 2019 version of the draft exploitation regulations, which are concise and highly operable.