

**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 96 bis Compliance Committee

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**

2. Without limiting the powers and functions conferred upon another organ of the Authority the Compliance Committee shall:

(b) Provide recommendations, through the Commission, to the Council on matters relating to inspection, compliance, and enforcement including clarifying what constitutes non-compliance;

~~(e) Review the annual reports of Contractors and consider any instances of non-compliance;~~

(g) Report to the Council, through the Commission, the results of inspections and resulting recommendations for enforcement action, in a timely and comprehensive manner and coordinate compliance matters with other organs of the Authority that play a role in inspection, compliance and enforcement;

(h) Investigate allegations from members of the Authority, members of the Commission, relevant coastal States or the Secretary-General, as well as from observers of the Authority and other Stakeholders on possible instances of Contractor non-compliance; ~~including through any whistle-blowing procedures under regulation 101 bis.;~~

(l) Examining complaints under regulation 101 and making any recommendations, through the Commission, to the Council;

~~(m) Make recommendations to the Council for the issue of emergency orders and appropriate penalties; and~~

~~(e) Appoint, where time is of the essence, a competent independent person to perform any or all of the functions of an Inspector where the nature or subject matter of an inspection requires specialist knowledge or experience that is not available on the approved roster of Inspectors; and~~

3. The Compliance Committee shall develop its own rules of procedure, under the rules of procedure of the Commission, including for the convening of hearings, which shall be approved by the Council.

~~4. Decisions of the Compliance Committee shall be taken by consensus. If all efforts to achieve consensus has been exhausted, decisions shall be taken by a majority of members present and voting. In the case of a tie, the Chair of the Compliance Committee shall have the decisive vote.~~

~~5. The Compliance Committee shall meet at regular intervals, and in urgent cases involving possible instances of non-compliance, shall convene virtually and on short notice. Members of the Compliance Committee shall rotate among themselves on a monthly basis in order to ensure that one member is always available “on call” in cases of non-compliance that require urgent action. In addition, the Compliance Committee shall appoint its own chair and vice chair. The Secretary-General shall facilitate the meetings of the Compliance Committee.~~

6. Within 3 months of the end of a Calendar Year the Compliance Committee shall complete an annual inspection, compliance and enforcement report, together with a non-technical summary, and submit the report and summary, through the Commission, to the Council for its consideration.

7. The report shall include details of any regulatory action taken by a sponsoring State or States as advised in writing to the Standing Committee Chief Inspector or Secretary-General, any corrective action undertaken by a Contractor and any recommendations as to any enforcement action to be taken by the Council to which regulation 100(2) refers. The report shall also include any findings and recommendations arising from inspections that may contribute to the development of Good Industry Practice, Best Environmental Practices and Best Available Techniques.

9. The Council shall review and ratify any interim measures imposed by the Compliance Committee, and consider any of its recommendations made through the Commission, as soon as practicable or at its next meeting. A member of the Bureau of the Council shall be on-call and shall convene a virtual meeting of the Council in the case of matters for urgent consideration, including the issue of emergency orders by the Council on the recommendation of the Commission ~~Committee~~.

10. The Secretary-General shall provide such administrative support to the Compliance Committee and the [Standing Committee Chief Inspector](#) as is required, including the processing of all formal communications and notifications to or from the Compliance Committee. All notifications to the Committee shall be addressed to the Secretary-General who shall promptly transmit them to Chair of the Compliance Committee.

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

Regarding paragraph 2(b), 2(g), 2(l), 6, and 9, reporting and making recommendations on matters related to ICE to the Council shall be carried out by the Commission, and the Compliance Committee may report or make relevant recommendations to the Council through the Commission.

Regarding paragraph 2(e), the review of the Contractor's annual report should continue to be directly exercised by the Commission.

Regarding paragraph 2(h), the whistle blowing procedures under regulation 101 bis. 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.

Regarding paragraph 2(m), according to paragraph 2 (k) of Article 165 of the Convention, it is the function of the Commission to recommend to the Council the issuance of emergency orders, and the relevant functions should be carried out by the Commission.

Regarding paragraph 2(o), the roster of inspectors should cover the professional knowledge and experience required for inspection, and inspection activities should be carried out by registered inspectors. If other specialized knowledge or experience is required, the roster of inspectors can be expanded, and independent persons who are not on the roster of inspectors should not be appointed to exercise relevant functions.

Regarding paragraph 3, the Compliance Committee can carry out its work under the current Rules of Procedure of the Commission. If necessary, the Rules of Procedure of the Commission can be revised to further clarify the working procedures of its subordinate committee, rather than formulating the Compliance Committee's own Rules of Procedure.

Regarding paragraph 4 and 5, the decision-making and working procedures of the Compliance Committee do not need to be specified in the Exploitation Regulations. If

necessary, the Rules of Procedure of the Commission can be revised to further clarify the decision-making and working procedures of its subordinate committee.

Regarding paragraph 7 and 10, China believes that the body responsible for daily management of inspectors should be an entity rather than an individual. It is recommended to establish a standing committee within the Compliance Committee, consisting of the Chair of the Commission and/or Compliance Committee and several individual members, to undertake relevant functions.