

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<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:**

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 99 Inspectors' power to issue instructions

**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. If, as a result of an inspection, an Inspector has reasonable grounds to determine ~~for anticipates~~ that any occurrence, practice or condition endangers or may endanger the health or safety of any person or poses a threat of ~~serious~~ H[h]arm to the Marine Environment, ~~including Underwater Cultural Heritage for a Contractor is otherwise in breach of the terms of its contract with the Authority~~ the Inspector shall give an instruction of a temporary nature considered reasonably necessary to remedy the situation, in accordance with any applicable Standards, including:

~~{(d) A [written] instruction requiring a suspension in some or all [exploitation] activities for a specific period. [upon written authorization from the Council, as its representative].~~

2. bis. ~~{The Inspector shall notify the Chief Inspector immediately when an instruction has been issued under paragraph 1}.~~ The Chief Inspector shall ~~{then}~~ report immediately ~~[and provide a copy of the instruction]~~ to the Compliance Committee, the Secretary-General and through the Secretary General to the Contractor's sponsoring State or States and, if applicable to the relevant ~~[adjacent]~~ coastal State or States, that an instruction has been issued under paragraph 1.

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

Regarding paragraph 1, the content of instructions issued by inspectors and the circumstances under which they can be issued require further study. China believes that inspectors should only issue instructions in emergency situations. In other cases, if the contractor is found to have been "in breach of the terms of its contract with the Authority" after inspection, inspectors do not need to issue instructions. Instead, they should explain

and make suggestions in their report in accordance with Regulation 100 of the draft Regulations. The underwater cultural heritage is not related to the inspection mechanism of the Authority and should be deleted. Paragraph (d) grants inspectors the power to suspend mining activities etc. which exceeds the provisions of the Convention and should be deleted. These powers should be exercised by the Council.

Regarding paragraph 2 bis, China generally believes that direct interaction between the inspectors and the Compliance Committee should be possible to reduce unnecessary links. In this paragraph, it is more reasonable and efficient for inspectors who issue instructions to report directly to the Compliance Committee rather than through the Chief Inspector.