

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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(s) of Delegation(s) making the proposal:

China

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

Regulation 102 Compliance Committee

3. 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. A Compliance Committee (“the Committee”) within the Commission is hereby established ~~to assist the Council in carrying out its responsibility to exercise control over activities in the Area as provided for under Part XI of the Convention.~~ All instances of non-compliance shall be brought to the attention of the Committee, which shall report to the Council. The Committee shall comprise 15 members~~;~~ Each regional group shall designate 2 members from among Council members, who shall serve for a period of 2 years, with the possibility of extension. The remaining 5 members which shall be designated by the Commission taking into account geographic representation and from among those with appropriate expertise within the Commission to carry out the functions of the Committee in accordance with this Regulation.

2(e) ~~Review~~ Consider any instances of non-compliance of the annual reports of Contractors, upon the request of ~~as examined by the Commission, and consider any instances of non-compliance;~~

2(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 whistleblowing procedures under Regulation 101 bis;~~

2(m) With the prior authorization of the Commission, mMake recommendations to the Council for the issue of emergency orders and appropriate penalties; and

~~2(o) 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.~~

~~2.bis Any recommendations from the Commission to the Council pursuant to Article 165(i), (j) and (k) of the Convention, as well as any instances of non-compliance identified by the Commission or the Secretariat in the course of carrying out their functions or otherwise, shall be promptly forwarded to the Committee in the form of a report for consideration and further action as appropriate. With the exception of complaints made against the Committee, all complaints received pursuant to Regulation 101 and 101bis shall also be immediately forwarded to the Committee for consideration and further action as appropriate. Nothing in this provision shall limit the right of the Committee to commence its own investigation of non-compliance. In cases where complaints are made against the Committee, the Council shall directly address such complaints and determine how to proceed.~~

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

~~4. Decisions of the 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 Committee shall have the decisive vote.~~

~~5. The Committee shall meet at regular intervals preferably using virtual means, and in urgent cases involving possible instances of non-compliance, shall convene virtually and on short notice. Members of the 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 Committee shall appoint its own chair and vice chair. Unless otherwise determined by the Committee, the Chair of the Commission, the Chief Inspector and a member of the Secretariat designated by the Secretary-General shall be invited to attend the meetings of the Committee but without the right to vote. The Secretary-General shall facilitate the meetings of the Committee.~~

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

For paragraph 1, China believes that it is more in line with the provisions of the Convention to establish a Compliance Committee under the LTC. The members of the Compliance Committee shall be appointed by the LTC from among its members, and the number of members should not be too large at the initial stage. It can be composed of 15 members of the LTC, taking into account geographical representation and the expertise required for the performance of their duties. If additional expertise is needed, it can be proposed to add members with relevant expertise in the future according to the needs of the work.

For paragraph 2(e), reviewing the annual reports of contractors is the mandate currently undertaken by the LTC, and the Compliance Committee, as a subsidiary body of the LTC, can review the non-compliance in the annual reports of contractors at the request of the LTC.

For paragraph 2(h), at present, Regulation 101bis has been deleted, and China believes that the “whistleblowing procedure” should not be included in the Exploitation Regulations. First, the whistleblowing procedure involves the general policy of the ISA, and it is not appropriate to stipulate in the Exploitation Regulations. Second, the establishment of a whistleblowing procedure should comply with the Convention, and it is necessary to clarify its relationship with the current complaint procedures and regulations of the ISA. Therefore, the relevant content should also be deleted from this paragraph.

For paragraph 2(m), making recommendations to the Council for the issue of emergency orders, which, in accordance with Article 165, paragraph 2 (k), of the Convention, is clearly within the functions of the LTC, which may, if necessary, authorize the Compliance Committee to exercise such mandate by the LTC.

For paragraph 2(o), since a roster of Inspectors has been established, the inspection function should be performed by the Inspectors on the roster. If there is a lack of specialization, etc., inspectors who meet the requirements should be added to the roster in a timely manner, rather than appointing independent persons separately to undertake the inspection function.

For paragraph 2.bis, there are many problems, for example, recommend to the Council that proceedings be instituted on behalf of the Authority before the Seabed Disputes Chamber (Art. 165, para. 2 (i)), make recommendations to the Council with respect to measures to be taken, upon a decision by the Seabed Disputes Chamber (Art. 165, para. 2 (j)), and make recommendations to the Council to issue emergency orders (Art. 165, para. 2 (k)),

should be considered and decided by the Council directly. The Council may, after consideration, request the Compliance Committee to take action, rather than the Compliance Committee taking action on its own before the Council makes a decision. It is recommended to delete this paragraph.

For paragraph 3, the Compliance Committee, as a subsidiary body of the LTC, should work under the current rules of procedure of the LTC. If necessary, the rules of procedure of the LTC can be revised to further clarify the working procedures of the Compliance Committee.

For paragraph 4 and 5, in order to ensure that the Compliance Committee can perform its duties effectively, it is necessary to further clarify relevant standards, guidelines and procedures, including the decision-making process, management of the roster of Inspectors, review of inspection reports, holding of public meeting when necessary, etc. These can be stipulated separately and do not need to be stipulated in the Exploitation Regulations.