



**Template for the review of the draft standards and guidelines
associated with the draft regulations on exploitation of mineral resources in the Area**

I. Background

1. The draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) require that certain issues are addressed in accordance with, or taking into account, standards and guidelines to be developed by the organs of the Authority. The standards will be adopted by the Council and will be legally binding on Contractors and the Authority, whereas the guidelines will be issued by the Legal and Technical Commission or the Secretary-General and will be recommendatory in nature.
2. Stakeholder consultation is an integral part of the process decided upon by the Commission for the development of the standards and guidelines ([ISBA/25/C/19/Add.1](#)).
3. The Legal and Technical Commission will consider the comments received through stakeholder consultation during its current session.
4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to ola@isa.org.jm, at your earliest convenience but **no later than the date announced on the ISA website for the relevant draft standards and guidelines.**
7. When submitting comments, please adhere to the following guidance as much as possible:
 - a. Please provide all comments in writing and in an MS Word .doc or .docx format using the table provided below.
 - b. The table format allows for an unlimited number of comments to be added. To add more comments, you may add more rows.

- c. Please provide full contact information for the individual/Government/organization submitting the comments.
 - d. Please avoid commenting on issues related to format, grammar, spelling or punctuation, unless it affects the overall meaning of the text, as the document will be formatted and edited when the final draft is prepared by the Legal and Technical Commission.
 - e. To facilitate the revision process please be as specific as possible in your comments. In areas where you feel additional or alternative text or information is required, please suggest what this text may look like or what information should be included.
 - f. Text may be copied from the draft into the table if stakeholders wish to use "track changes" in editing text (this is encouraged to ensure accuracy and avoid numbering errors).
 - g. If you refer to additional sources of information, please include these with your comments when possible or provide a complete reference or hyperlink.
 - h. All review comments will be posted on the ISA website, unless otherwise requested by the submitting entity.
8. Should you have any questions regarding the review process, please contact ola@isa.org.jm.

III. Template for Comments

- 9. Please use the review template below when providing comments.
- 10. Line and page numbers have been provided in the drafts. Please use these as a reference as illustrated in the table below.

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft Standard and Guidelines for the safe management and operation of mining vessels and installations
<i>Contact information</i>	
Surname:	De Jonge
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General Comments

A cornerstone for transparency and clarity of responsibilities and obligations for all parties involved should be the obligation in the Standards for the Contractor to supply a clear and transparent overview of Vessels, Installations, Operational steps in relation to all parties involved:

1. In practice the demarcation between Vessel and Mining installations as well as Vessel and Mining operations can be unclear and will blend together.
 - a. Certainly when these vessels become dedicated and integrated mining platforms in which the installations form an integral part of the vessel and are also operated as such.
 - b. In polymetallic nodule mining the mining vessel is most likely not stationary but sailing during mining with multiple operations at the same time.
2. Another complication arises if ownership, crew and operations of vessel and installations are split between multiple companies/subcontractors/states, for example:
 - a. Stages of the mining operations are split over different vessels, which could also have different owners from different states
 - b. A chartered vessel is used with an installation owned by the contractor for which a subcontractor is hired to operate
 - c. A joined venture from different states uses a special purpose company to charter a vessel of opportunity with an subcontracted Vertical transport system and a separately subcontracted mining vehicle
 - d. Etc etc
3. It should therefor be required as a Standard for the Contractor to provide to the ISA clear overview and definition of:
 - a. All Vessels and (Sub) Installations, with a clear demarcation, including for each their ownership and operator
 - b. All steps in the mining operation, with a clear definition under which regime (sailing or mining) each of the vessels or (sub) installations they are regulated for each of these steps
 - c. Roles, Responsibilities, obligations, monitoring and control for each of these Operational Steps for the Contractor (organization), Consortium members, subcontractors, Sponsor State(s), Flag State(s), and any other involved state, party or entity.
4. Transparency and clarity of roles is of the utmost importance and therefor the layering and switching of these responsibilities should be kept at an absolute minimum.
5. If in time changes to the definitions and overview are required they should be communicated directly for approval to the ISA.
6. The Standards for Emergency Response and Contingency Plans clause 18(p5, r134-142) already provides text that contains some of these requirements:
 - a. "18. The Contractor, with other involved parties, shall define the responsibilities related to planning and execution of the entire process and the elements and the various tasks/activities. The involved parties mean the Contractor, Contractor's organisation, subcontractors if relevant and other external participants that are likely to play a role in the mining operations. This process shall be undertaken in

consultation with the sponsoring State(s), the flag 140 State(s), coastal States and other entities having relevant jurisdictional competence or rights 141 and legitimate interests with regard to specific components of the plan.

Better alignment in text and detail between the

“Draft Standard and Guidelines for the safe management and operation of mining vessels and installations”

And

“Draft Guidelines on tools and techniques for hazard identification and risk assessments”

And

“Draft standard and guidelines for the preparation and implementation of emergency response and contingency plans”

Is highly recommended

Specific Comments

Page	Line	Comment
4	49-55	See general comment: this clause requires a much better definition and demarcation by the Contractor of its assets and operations
4-5	82-97	This should be a Standard and not a guideline, with a much higher focus not only on risks and emergencies but on all operations (see General remarks)
6	101-106	This should be a standard and not a guideline, and with an overview provided upfront (see general remarks)
6	135	This should be Standard, however without a clear and transparent overview of the controlling parties behind the Contractor void.
7	142-146	15: This should be a standard and not a guideline, and with an overview provided upfront (see general remarks)
7	148-149	16: This should be a standard and not a guideline, and with an overview provided upfront (see general remarks)
8	157-	Compliance management should always be a Standard.
8	157-	Compliance demonstration is not only needed upfront but should also be checked and monitored during operations, if the equipment is being used according to its intended and designed use as well as if its still compliant.

Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”

Comments should be sent by e-mail to ola@isa.org.im