

**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. Stakeholders consultations are 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 the stakeholders consultation at its next session.
4. The drafts include a cover page containing substantive background and contextual information on the approach taken by the Commission in developing each standard and guidelines. Review comments are not being sought on this background information.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and Commission once the content of the various standards and guidelines is finalized following stakeholders consultations.

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.
 - 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:	Guideline on the preparation and assessment of an application for the approval of a Plan of Work for exploitation developed by the Legal and Technical Commission
<i>Contact information</i>	
Surname:	Amon / Gollner
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<i>General Comments</i>	
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<p>Will the LTC be required to check the compliance of the Environmental Plans with the applicable REMPs?</p>	
<p>This Guideline does not provide much more than what the Draft Regulations already cover. In order to be useful, the Guideline should provide guidance to the applicant on what documents would be essential to support its application, particular in terms of allowing the LTC to assess:</p>	

1. In the case of a non-State applicant, whether the applicant is a national of the sponsoring State or under the effective control of the sponsoring State or its nationals.
2. The financial and technical capabilities of the applicant.

For example, documents that show the incorporation or registration in the sponsoring State, the duration of presence that the applicant has in the sponsoring state, information regarding the board of directors or management structure of the applicant, information relating to the assets of the applicant, financial statements and so on.

It is suggested that the LTC should also be required to preliminarily assess the capability of the sponsoring State to control and/or supervise the activities of the applicant. If this is the case, the sponsoring State should provide detailed information on how it intends to supervise the activities of the applicant.

Specific Comments

Page	Line	Comment
2	18	Adjust this sentence as follows “... <u>will likely</u> delay the review and <u>prevent the</u> consideration of the application”. If not all the requirements are met, the application of contracts should not be considered.
8		The text appears to assume the default is a single set of plans is appropriate; instead, this situation should be the exception. Suggest: “Provide Environmental Impact Statements, Environmental Management and Monitoring Plans and Closure Plans for all non-contiguous Mining Areas unless the application can demonstrate that a single set is appropriate.”

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