

<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	
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<i>General Comments</i>		
None		
<i>Specific Comments</i>		
Page	Line	Comment
2	11	The guidelines are recommendatory in nature, Contractors can refer to these guidelines but have no obligation to follow. It's proposed to delete "and Guidelines" in this sentence.
7	Table, row 5	Article 7(3)(g) of the Draft Regulations stipulates that an application shall be accompanied by a Training Plan, prepared in accordance with the guidelines. We propose to further clarify the form and content of the Training Plan in this document or develop a separate guideline for this purpose.
9	Flow chart	It is a lengthy period for the application and approval of a Plan of Work for exploitation. We propose to promote administrative efficiency and shorten the application and approval process. For the purpose of efficiency, it is recommended to set up time limit on works to be done by the ISA, such as acknowledgement and preliminary review of application and preparation of contract by the Secretary-General.

<i>Document reviewed</i>		
Title of the draft being reviewed:	Draft Standard and Guidelines on the development and application of Environmental Management Systems	
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<i>General Comments</i>		
<p>Article 46 (1) of the Draft Regulations stipulates that a Contractor shall implement and maintain an environmental management system taking account of the relevant guidelines. The schedules of the development of guidelines under phase 1, enclosed in the Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-fifth session also highlights the need to develop guidelines. However, This document contains both standards and guidelines. Considering the two things are different in their development procedures and legal force, we propose to only make guidelines in this document according to the spirit of the Draft Regulations and the Report of LTC.</p>		
<i>Specific Comments</i>		
Page	Line	Comment
2	21-24	Currently, Annex I of this section is standards which are supposed to be legally binding. However, ISO standards are voluntary in nature, which are consensus based and market-oriented. Therefore, it is improper to directly transfer ISO standards as ISA standards. We propose to change the Annex I as guidelines, or at least to designate those related to the ISO standards as guidelines.
2	28-29	The four key steps of the core process of an environmental management system are identified. However, it is inevitable to miss

		other possible key steps. We propose to add "including but not limited to".
4	89	We propose to add“annual report” .
4	117	Given that the Contractors rather than their senior managements are the subject of the rights and obligations, it seems unnecessary to specify the Contractor's internal business. We propose to substitute “the senior management of Contractor” with “the Contractor”. Line 132, 135, 162, 165, 169, 413 and 417 also need to be changed.
6	177-184	We propose to delete or amend paragraph 18. Article 31 of the Draft Regulations stipulates that Contractors shall carry out Exploitation with reasonable regard for other activities in the Marine Environment and that other activities in the Marine Environment shall be conducted with reasonable regard for the activities of Contractors in the Area. However, paragraph 18 only request Contractors to have regard to other marine activities, not reflecting the regard for the activities of Contractors in the Area by other marine activities. We propose to delete this paragraph or amend it according to the spirit of Article 31 of the Draft Regulations.
14	526-529	We propose to delete these four lines. Contractor are supposed to provide the environmental management system documents to the ISA, and pays the overhead charge for the contract management. The ISA has the obligation to provide an unified platform for the access, publicity, downloading and evaluation of relevant information, rather than to request Contractors to mange these data.
15	557	The eligible Contractors are clearly listed in the UNCLOS and the 1994 Implementing Agreement. There’s no need to define CONTRACTOR in guidelines.

<i>Document reviewed</i>		
Title of the draft being reviewed:	Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee	
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<i>General Comments</i>		
<p>Article 26 (2) of the Draft Regulations stipulates that the required form and amount of the Environmental Performance Guarantee shall be determined according to the guidelines. The schedules of the development of guidelines under phase 1, enclosed in the Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-fifth session also highlights the need to develop guidelines. However, we found, apart from some guidelines, what are mainly contained in this document are standards. Considering standards and guidelines are different in their development procedures and legal force, we propose to only make guidelines in this document according to the spirit of the Draft Regulations.</p> <p>Article 26 (1) of the Draft Regulations stipulates that a Contractor shall lodge an Environmental Performance Guarantee no later than the commencement date of production in the Mining Area. We propose to set up a clear time frame for the release in full or in part of the Environmental Performance Guarantee in the related guidelines.</p>		
<i>Specific Comments</i>		
Page	Line	Comment
3	56	We propose to delete “ at the sole discretion of the Authority” .
4	95	We propose to add “according to the Closure Plan” after “on a third-party basis” in paragraph 13, which will read “An Applicant or Contractor shall estimate costs, expenses and liabilities that may

		arise in respect of the items listed in Regulation 26(2)(a)-(c) on a third-party basis according to the Closure Plan, which shall be estimated by the Applicant or Contractor in a conservative manner, assuming the highest reasonable cost for each item.”
5	115	We propose to delete the word “greatest” and replace “the greatest reasonably credible” with “the reasonably credible” throughout the draft. Line 130, 134, 143 and 430 also need to be adjusted.
6	138	Article 26 (3) of the Draft Regulations stipulates that the amount of the Environment Performance Guarantee may be provided by way of installments over a specified period according to the relevant guidelines. We propose to add guidelines to allow the Environment Performance Guarantee to be submitted by way of installments.
11	293-295	We propose to delete “(c) the Authority has implemented the Closure Plan and covered outstanding costs relating to the items listed in Regulation 26(2), and change the line 293 to 295 as “the Authority will release any remaining part of the Guarantee to the Contractor after the Closure Plan has been implemented and outstanding costs relating to the items listed in Regulation 26(2) has been covered.”
15	413	The fee of application should be provided by the applicant, so we propose to replace “the Contractor” with “the Applicant”.
15	428	It is suggested that multi-block mining areas can pay Guarantee by way of installments.
15	451-452	The meaning of the “EPG” and “Guarantee” in the Definition and Abbreviations Part are the same, both of which mean the “Environmental Performance Guarantee”. We propose that it’s better to use only one term to avoid any confusion in this document.