



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: | Draft standard and guidelines on the development and application of Environmental Management Systems developed by the Legal and Technical Commission |
| <i>Contact information</i> | |
| Surname: | Cuif |
| Given Name: | Marion |
| Government (if applicable): | |
| Organization (if applicable): | Ifremer |
| Country: | France |

| | | |
|--------------------------|------------------------|---|
| E-mail: | marion.cuif@ifremer.fr | |
| General Comments | | |
| | | |
| Specific Comments | | |
| Page | Line | Comment |
| 2 | 10 | Add "(Draft Regulation 46)" at the end of the sentence to make a direct reference to the concerned regulation |
| 4 | 95 | There is no Paragraph 4. |
| 4 | 105 | Figure 1 : Number 7 : replace 'internal audits' by "internal/external audits" |
| 5 | 124 | Replace 'outcome' by 'outcomes' |
| 5 | 125 | Replace 'improvement' by 'improvements' |
| 5 | 148 | Replace 'long-term' by 'mid-term' or replace '(eg. 3 – 5 years)' by a longer timeframe, i.e. '(e.g. 20+ years)'. Environmental objectives should be of the same timeframe than the exploitation contract phase (30 years, Regulation 20 (1.) of ISBA/25/C/WP.1) and potential subsequent renewal phase(s). |
| 7 | 215 | What happens when BAT are not available? |
| 8 | 263 | Replace 'follow-up audit' by 'follow-up internal or external audit', according to what is expected by the Authority |
| 8 | 289 | Can the Authority specify what kind of 'training activities' are required by the Contractor? |
| 9 | 330 | The legal requirements are likely to change over the timespan of the exploitation contract (30 years+). How the Authority intend to address this issue regarding the EMS and the evaluation of performance (see VI. B. (4.))? |
| 9 | 332 | Add Guidelines for baseline study, EIA, environmental management and monitoring (see subsections IV.B, IV.C, VI.A) |
| 12 | 433 | Replace 'including trends' by 'including positive or negative trends' |
| 15 | 565 | Add 'in the Area' at the end of the sentence |

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

| | |
|---|---|
| Document reviewed | |
| Title of the draft being reviewed: | Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee developed by the Legal and Technical Commission |
| Contact information | |
| Surname: | Cuif |
| Given Name: | Marion |
| Government (if applicable): | |
| Organization (if applicable): | Ifremer |

| | | |
|--|------------------------|---|
| Country: | France | |
| E-mail: | marion.cuif@ifremer.fr | |
| General Comments | | |
| About post-closure monitoring, how long does the Authority expect the Contractor to monitor the residual environmental effects? | | |
| What happens to the EPG if the exploitation contract is renewed/extended? Is the EPG reviewed/updated based on information collected throughout the timespan of the exploitation contract (30 years), or simply postponed to the next closure date, or something else? | | |
| Specific Comments | | |
| Page | Line | Comment |
| 3 | 78 | Which body/commission is in charge of the review and re-validation of the EPG? |
| 8 | 215 | Which level of uncertainty is implied when using the term 'will hold'? |
| 10 | 270 | In Figure 2: What are the Contractor's terms and obligations (e.g. timeframe...) to rectify the Closure Breach? |

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

| | | |
|---|---|---|
| Document reviewed | | |
| 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 | |
| Contact information | | |
| Surname: | Cuif | |
| Given Name: | Marion | |
| Government (if applicable): | | |
| Organization (if applicable): | Ifremer | |
| Country: | France | |
| E-mail: | marion.cuif@ifremer.fr | |
| General Comments | | |
| | | |
| Specific Comments | | |
| Page | Line | Comment |
| 2 | 18 | What is the status of the exploration contract during that delay? |
| 7 | Row 6 | What is the 'most recent international standard used by the Authority'? (WGS84?) And how does the coordinates should be formatted (decimal degree, degree decimal minutes, degree minutes seconds...) |

| | | |
|---|----|---|
| 9 | 54 | <p>In Annex 2 diagram: Please explicit the terms “Environmental Plans”: do it refer to the Environmental Impact Assessment / Statement and/or the Environmental Management and Monitoring Plan? Add the terms EIA, EIS and EMMP in the diagram</p> <p>Replace ‘feasibility study’ by ‘Feasibility Study (FS)’</p> <p>Does the Feasibility Study (FS) required to be delivered to the Authority 12 months prior production should meet CRIRSCO standards (International Mineral Resources and Reserves reporting)? When does a Pre-Feasibility Study (PFS) is required to be submitted to the Authority? In the mining industry, a PFS is also required, before the FS, to be produced before entering into production.</p> |
|---|----|---|

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