



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 form and calculation of an Environmental Performance Guarantee developed by the Legal and Technical Commission
<i>Contact information</i>	
Surname:	Hernández
Given Name:	Cristóbal
Government (if applicable):	Chile
Organization (if applicable):	
Country:	Chile
E-mail:	chernandezc@minrel.gob.cl

General Comments		
<p>In the general view of Chile this document is establishing guarantees for the closing of the operation. However in our understanding this context should also include a guarantee for eventual environmental impacts in all the stages and particularly beyond the closing of the operation.</p>		
<p>Chile has a general point in this matter. Why the companies must determine and propose the amount of the guarantee? In our view, maybe is better when the guarantee is administered by the Authority. In other case, how the Authority is going to control that the contractor has the responsibility to maintain the funds and the authority only to maintain access?</p>		
<p>We suggest mentioning that standards are legally binding</p>		
<p>These comments do not imply that our country accepts the currents Draft Regulations on the exploitation of mineral resources in the Area.</p>		
Specific Comments		
Page	Line	Comment
3	41	We suggest adding at the end "for the subsequent approval of the assembly
3	38	We suggest adding literal d) related to unidentified environmental impacts during the environmental impact assessment process.
3	44	We consider necessary to establish in a clear way what an independently validated method is.
3	53	Please maintain the language: "no later than the commencement date of production in the Mining Area".
3	55	Please change 'no later' for 'before'
3	58	Please eliminate "if required" in the line "(b) ensure the Authority, if required, can access (...)".
4	82	Please clarify to which guidelines are referred to in this paragraph. An option is to mention the exact name of the guidelines.
5	97	We suggest adding at the end, "considering the worst possible scenario."
5	102	In order to avoid misunderstandings, we suggest including the complete name of the Guidelines referred to in this line.
5	104	Please replace "Council" for "Assembly" in the line "all parties involved and shall be approved by the Council.
5	115	Please explain who will determine that the method adopted is endorsed.
5	117	Please explain who will determine that a calculation tool is accepted

5	129	We suggest adding "approved by the Authority" after "shall use a suitably robust cost estimation tool."
5	132	We suggest adding "approved by the Authority" after "shall select a cost estimation tool."
5	138	Please eliminate the paragraph, or change it as follows: "A Guarantee is required for al contiguous or non-contiguous Mining Areas..."
6	159-161	We considerer that the independent validators shall have some more minimum criteria in order to be electable. The literal a) does not imply selection criteria, it is necessary to provide some background to ensure independence.
7	173	Please indicate where is available the Declaration form.
7	187	Please indicate where is available the Confirmation form
7	193	We suggest adding "approved by the Authority" after "a validated cost estimation tool."
7	200	Please add "susbtancial or" before "Material Change."
8	215	Please replace "or" whit "and." They should not be considered as exclusive conditions. On the contrary, the current and future capacity of a sufficient Guarantee must be ensured.
8	228	Please replace "or" whit "and." They should not be considered as exclusive conditions. On the contrary, the current and future capacity of a sufficient Guarantee must be ensured.
8	232	Please replace "or" whit "and." They should not be considered as exclusive conditions. On the contrary, the current and future capacity of a sufficient Guarantee must be ensured.
10	282	Please add "for the approval of the Assembly" after "recommend to the Council."
10	287	Please add "for the approval of the Assembly" after "shall make a recommendation to the Council."
10	294	We suggest adding a literal regarding the unidentified environmental impacts during the environmental impact assessment process.
13	340	We suggest adding literal d) related to unidentified environmental impacts during the environmental impact assessment process.
13	354	In order to avoid misunderstandings, we suggest including the complete name of the Standards referred to in this line.
15	423-424	To ensure transparency and traceability, we consider that the Authority should endorse a set of cost estimation tools for calculating the Guarantee.
15	425	In the same vein of the previous comment, we consider that the Autorithy should mantein a set of approved cost-estimation tools.
15	436	Please indicate where is available the Declaration form.
15	438	Please add "contiguous or" after "may cover."
<i>Additional rows can be added to this table by selecting "Table" followed by "insert" and "rows below"</i>		

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