



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.im, 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:	González Mijares
Given Name:	Juan José
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Organization (if applicable):	
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General Comments		
<p>Environmental Performance Guarantee (EPG) shall comply with the best international standards ruling financial security instruments and shall cover not only the costs referred to in a) b) & c) of regulation 26 of the Exploitation Regulations (ER), but all kind of environmental damages & risks that may be generated in, from, during or in consequence from the exploitation activities. It shall be operationalized jointly with regulations 24 and 54-56 and shall include Industrial Safety and Operational Safety guarantees based on international technical standards.</p> <p>Following practical experiences in the oil industry, these guidelines shall enable the Contractor to submit more than one EPG -security instruments- to cover its obligations under the ER and the Mining Code.</p> <p>It is desirable that EPG shall be calculated based on the “Probable Maximum Loss” studies and not on a “Worst-Case Scenario” basis.</p> <p>Finally, is fundamental that such guarantees shall be force until the Contractor conducts its final performance assessment and submits a final performance report to the SG to ensure that the closure objectives, as described in the final Closure Plan, have been met.</p>		
Specific Comments		
Page	Line	Comment
5	112	(b) the calculation “ <u>methodology</u> ” of the Guarantee. Including the word “methodology” provides more elements to determine whether or not such guarantee is acceptable for ISBA.
5	117	Please clarify if the term “ <u>accepted calculation tool</u> ” in (b) implies that such tool shall be developed/revised either by ISBA or the Sponsor States. Or what should an accepted calculation tool be understood to be acceptable to the Commission?
6	138	Contractor shall provide sufficient evidence in its Plan of Work that technically ensures that two non-contiguous zones can be developed under the same specifications of the initial Plan of Work and therefore, may be included in the same security instrument. Such evidence shall include the study of boundaries chart of the non-contiguous zones.
7	193	Please clarify if the term “ <u>validated cost estimation tool</u> ” in (a) implies that such shall be previously reviewed either by ISBA or the Sponsor States. Or what should a validated cost estimation tool be understood to be acceptable to ISBA?
8	240-241	Contractor is responsible not only for maintaining the form and amount of the approved guarantee but <u>to maintaining it effective and enforceable</u> until the conduct of its final performance assessment and performance report to the SG according to ER. These obligations shall be included in the ongoing responsibilities.

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.jm