



**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 guideline on the preparation and assessment of an application for the approval of a Plan of Work for exploitation	
<i>Contact information</i>		
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General Comments		
<p>As this Guideline essentially duplicates information found in Part II of the draft exploitation regulations and sets them out in the form of a checklist identifying the elements that should be part of an application (Annex I) and a flow chart showing the process pursuant to which an application will be considered (Annex II), this Guideline should be reviewed after the exploitations regulations are finalised and amended as appropriate to accurately reflect the finalised version of the regulations.</p>		
Specific Comments		
Page	Line	Comment
2	11	As Guidelines are supposed to be recommendatory in nature, the Contractor should not have to demonstrate through the application for approval of a Plan of Work that its proposed exploitation activities “will comply” with the Guidelines. We recommend that the reference to Guidelines in this line be deleted.
9	54	The flow chart showing the process “After approval of a plan of work” can be improved after the discussion of the draft regulation 27 has been finalised. One of the issues under discussion in the context of draft regulation 27 is on whether the Contractor should make “commercially reasonable” or “all” efforts to bring the Mining Area into Commercial Production. The text box on the Contractor having to bring the Mining Area into Commercial Production should be amended to reflect the eventual decision on this instead of the current formulation which reads as follows: “Contractor to bring mining area into Commercial Production”. This formulation leaves the content of the Contractor’s duty unclear.
<p><i>Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”</i></p>		

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