



## Council

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### Twenty-sixth session

Council session, part II

Kingston, 19–23 July 2021\*

Agenda item 10bis

**Consideration, with a view to approval, of applications for extensions of contracts for exploration**

### **Application for extension of the contract for exploration for polymetallic nodules between the Federal Institute for Geosciences and Natural Resources and the International Seabed Authority**

#### **Report and recommendation of the Legal and Technical Commission**

*The Legal and Technical Commission,*

*Recalling* that, on 29 July 2006, the Federal Institute for Geosciences and Natural Resources of the Federal Republic of Germany entered into a 15-year contract for exploration for polymetallic nodules with the International Seabed Authority,

*Noting* that, on 29 December 2020, the Secretary-General of the International Seabed Authority received an application for a five-year extension of that contract from the Federal Institute for Geosciences and Natural Resources, pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,

*Noting also* that, on 22 January 2021, the Secretary-General notified the sponsoring State, on 21 January 2021, the members of the Authority and on 15 January 2021, the members of the Legal and Technical Commission, of the receipt of the application and placed consideration of the application on the agenda of the Commission for the twenty-sixth session of the Authority,

*Recalling* the provisions of section 1, paragraph 9, of the annex to the Agreement,

*Recalling also* the decision of the Council of the International Seabed Authority relating to the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement,<sup>1</sup>

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\* New dates of the in-person meetings originally scheduled for July 2020.

<sup>1</sup> [ISBA/21/C/19](#).



*Recalling further* that the Commission is required to consider applications expeditiously and in the order in which they are received,

*Recalling* that the Commission shall recommend approval of the application for extension of the contract for exploration if it considers that the contractor has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor's control, has been unable to complete the necessary preparatory work for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to the exploitation stage,

*Conscious* of the effects that the extraordinary circumstances of the coronavirus disease (COVID-19) pandemic have had on activities during the past year,

*Having considered* the application by the Federal Institute for Geosciences and Natural Resources during its meetings held from 12 to 15 April 2021 and from 26 to 29 April 2021, in accordance with the procedures and criteria,

*Having also considered* the grounds advanced by the applicant for requesting an extension of its contract and the information provided to establish that, for reasons beyond its control, it was unable to complete the preparatory work to proceed to the exploitation stage and that the prevailing economic circumstances do not justify proceeding to the exploitation stage,

*Having concluded* that the applicant has made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond its control, has been unable to complete the preparatory work to proceed to exploitation,

1. *Recommends* that the Council of the International Seabed Authority approve the application for extension of the contract for exploration for polymetallic nodules between the Federal Institute for Geosciences and Natural Resources of the Federal Republic of Germany and the Authority for a period of five years from 29 July 2021;

2. *Requests* the Secretary-General of the International Seabed Authority to take the steps necessary to ensure that the proposed programme of activities for the extension period contained in the application is attached as annex I to the agreement to be drawn up between the Authority and the Federal Institute for Geosciences and Natural Resources concerning the extension of the contract for exploration for polymetallic nodules, in accordance with appendix II to the decision of the Council.<sup>1</sup>

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