



## Council

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### Twenty-seventh session

Council session, part I

Kingston, 21 March–1 April 2022

## Statement by the President of the Council on the work of the Council during the first part of the twenty-seventh session

### I. Opening of the session

1. At its 275th meeting, on 21 March 2022, the Acting President, Alison Stone Roofe (Jamaica), opened the first part of the twenty-seventh session of the Council. The Council met from 21 March to 1 April 2022 in hybrid format.

2. The Council observed a moment of silence to pay tribute to the late Nii Allotey Odunton, former Secretary-General of the International Seabed Authority for two consecutive terms (2008–2016), and presented condolences to his family. The Secretary-General honoured his memory and life dedicated to the service of the Authority. Reference was also made to his commitment to improving the knowledge of the Area and its resources. His legacy continued in the museum named after him and launched in his presence in July 2019 on the margins of the twenty-fifth anniversary of the Authority.

### II. Adoption of the agenda

3. At its 275th meeting, the Council adopted the agenda for its twenty-seventh session ([ISBA/27/C/1](#)).

### III. Election of the President and Vice-Presidents of the Council

4. At the same meeting, the Council elected by acclamation Tomasz Abramowski (Poland) as President of the Council for the twenty-seventh session. The Council also elected Sierra Leone (African States), Jamaica (Latin American and Caribbean States) and Canada (Western European and other States) as Vice-Presidents. At its 276th meeting, on the same date, the Council elected the Republic of Korea (Asia-Pacific States) as Vice-President.



#### **IV. Report of the Secretary-General on the credentials of members of the Council**

5. At the 277th meeting, on 30 March, the Secretary-General indicated that, as at that date, credentials had been received from 36 members of the Council. It was noted that, in accordance with the system agreed upon for the allocation of seats among regional groups at the first session of the Council, the Latin American and Caribbean States had designated Jamaica to participate in the meetings of the Council without the right to vote during the twenty-seventh session. It would be the turn of the Western European and other States to relinquish a seat on the Council in 2023.

#### **V. Issues relating to the election of members of the Legal and Technical Commission**

6. At the 275th meeting, the President proposed to undertake consultations on the way forward with the newly elected Bureau.

7. At the 277th meeting, the Facilitator, Vladislav Kurbatskiy (Russian Federation), reported on consultations that he had held since the previous meeting of the Council, in December 2021. At the same meeting, the President proposed to lead informal consultations with members of the Authority on a possible way forward. Informal consultations were held on 30 and 31 March and on 1 April. At the 280th meeting, on 1 April, the Council decided to establish an informal contact group convened by the President to develop a mechanism for the election of the members of the Legal and Technical Commission to be adopted by the Council in July 2022. The decision of the Council is contained in document [ISBA/27/C/20](#).

#### **VI. Draft regulations on the exploitation of mineral resources in the Area**

8. Owing to the coronavirus disease (COVID-19) pandemic, no negotiation had been possible since February 2020. Meanwhile, however, the Legal and Technical Commission has been able to advance work in respect of the draft regulations package, including draft annex VI and on phase 1 draft standards and guidelines.

9. In March 2022, the Council continued its consideration of the draft regulations on the exploitation of mineral resources in the Area, as a matter of priority and in line with the road map endorsed by the Council at its meeting in December 2021 ([ISBA/26/C/13/Add.1](#), annex). Reference was also made to the document prepared by the delegation of Belgium ([ISBA/27/C/13](#), annex).

##### **A. Consideration of draft regulation 30 of and draft annex VI to the draft regulations on the exploitation of mineral resources in the Area**

10. At the 275th meeting, the Chair of the Legal and Technical Commission presented to the Council recommendations on draft regulation 30 of and draft annex VI to the draft regulations ([ISBA/26/C/17](#)).

11. Comments were made that, in respect of the safety management system, more details were needed in the draft regulations, such as auditing requirements, and issues of compliance by contractors needed to be addressed within the Informal Working Group on Inspection, Compliance and Enforcement. Provisions on gender equality

and safety for women in the work environment should be included in the health and safety plan. The fact that the regulations relied on existing international standards was welcome.

12. The Council noted that the approach reflected in the current draft regulation 30, namely referring to the applicable international rules and standards established by competent international organizations or general diplomatic conferences, was sufficient for the foreseeable future. The Council drew the attention of the Assembly to the need to encourage member States that had not yet done so, in particular sponsoring States, to become parties to the applicable international rules and standards established by competent international organizations, in particular the Maritime Labour Convention, 2006. The Council encouraged the secretariat to enter discussions with the International Labour Organization (ILO) with a view to concluding a cooperation agreement between the Authority and ILO to keep under review emerging issues concerning occupational health and safety for personnel involved in exploitation in the Area. The Council agreed to consider draft annex VI, containing the health and safety plan and the maritime security plan (see [ISBA/26/C/17](#), annex), as part of the draft regulations ([ISBA/25/C/WP.1](#)).

## **B. Progress made in working groups**

13. Reference was made to a “working Council”, as a large portion of the first part of the session was devoted to advance work on the draft regulations in an informal setting, in line with the road map endorsed by the Council in December 2021.

### **1. Fourth meeting of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 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**

14. On 21 and 22 March 2022, the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract held its 4th meeting, under the chairmanship of Olav Myklebust (Norway), to further advance the work on the payment system for polymetallic nodules as a priority and make appropriate recommendations to the Council in its ongoing negotiation of the draft regulations and appendix IV thereto.

15. At the 278th meeting, on 31 March, the Chair gave an oral report to the Council (see the annex to the present document).

### **2. Informal Working Group on the Protection and Preservation of the Marine Environment**

16. The Informal Working Group on the Protection and Preservation of the Marine Environment met for the first time since its establishment and held five meetings, on 23, 24, 25 and 28 March.

17. At the 278th meeting, the Facilitator, Raijeli L. Taga (Fiji) delivered her oral report to the Council and set a deadline for receiving textual proposals with a view to producing a revised facilitator’s text for the meetings to be held in July (see annex).

### **3. Informal Working Group on Inspection, Compliance and Enforcement**

18. At the 1st and 2nd meetings of the Informal Working Group on Inspection, Compliance and Enforcement, on 28 and 29 March, the Facilitator, Maureen Tamuno (Nigeria), outlined the scope and modalities of the work and proposed a way forward.

19. At the 278th meeting, the Facilitator delivered her oral report to the Council and set a deadline for receiving textual proposals with a view to producing a facilitator's text for the July meetings (see annex).

### **4. Informal Working Group on Institutional Matters**

20. The Informal Working Group on Institutional Matters held its 1st and 2nd meetings on 29 and 30 March, respectively. The Co-Facilitators, Gina Guillén-Grillo (Costa Rica) and Constanza Figueroa (Chile), described the scope of the work and the way forward.

21. At the 278th meeting, the Co-Facilitators delivered their oral report to the Council and set a deadline for receiving textual proposals with a view to producing a facilitator's text for the July meetings (see annex).

## **C. Process for the negotiation of the draft regulations on the exploitation of mineral resources in the Area and the phase 1 draft standards and guidelines**

22. At the 275th and 276th meetings, the Council had a preliminary exchange of views on the process for the negotiation of the draft regulations and phase 1 draft standards and guidelines following the presentation by the Chair of the Legal and Technical Commission of the report summarizing stakeholder feedback on the draft standards and guidelines ([ISBA/27/C/2](#)). Some delegations expressed the view that the discussion of the draft regulations should be conducted in parallel with that of the draft phase 1 standards and guidelines, with cross-referencing. Some delegations expressed the preference for the draft phase 1 standards and guidelines to be considered after the draft regulations were "stable".

23. In addition, it was recalled that, in 2019, the Council had requested the Commission to work on the draft standards and guidelines as a matter of priority. The Council commended the Commission for having delivered to it for consideration phase 1 draft standards and guidelines in the six official languages of the Authority over the previous 18 months in accordance with the process for the development of standards and guidelines set out in enclosure II of document [ISBA/25/C/19/Add.1](#).

## **D. Work of the Council concerning the draft regulations on the exploitation of mineral resources in the Area and the consideration of phase 1 draft standards and guidelines**

24. At the 278th meeting, with a view to facilitating discussion, the President prepared a briefing paper on the work of the Council in plenary concerning the draft regulations and the consideration of phase 1 draft standards and guidelines.

25. Considering the heavy workload of the working groups, the Council endorsed the President's proposal that it consider in July, in plenary and in an informal setting, the preamble, part III, part X, annex I, annex II, annex III, annex V, annex VI, annex IX, annex X, appendix I and the schedule. Should any of the working groups finish its current task before the end of the twenty-seventh session, the Council could

revisit the allocation of some annexes to that working group, if they had not already been considered in plenary.

26. In July, as proposed by the President, the Council would undertake a first reading of part X in regulation-by-regulation discussions in plenary before continuing with the preamble and part III. On the basis of discussions and proposals, the President would prepare a revised text for consideration during the third part of the twenty-seventh session. During that part, the Council also agreed to focus the discussion on the schedule, appendix I and any outstanding annexes not already allocated to working groups.

27. With regard to the consideration of phase 1 draft standards and guidelines, the Council noted that the draft regulations were still under consideration and that draft standards and guidelines might need further revisions once the text of the draft regulations was stable. The Council also recalled that such a view was without prejudice to its intention to make every effort to ensure the thorough and timely development of the regulations, bearing in mind that necessary standards and guidelines should be developed in parallel and be consistent with the finalization of the regulations as a package ([ISBA/26/C/57](#), para. 5).

28. The Council agreed with the President's proposal to continue to negotiate the text of the draft regulations and take stock by the end of the July meetings of the progress achieved in that regard. On that basis, the Council would consider options for the discussion of the phase 1 draft standards and guidelines during 2022.

#### **E. Intersessional work and review of progress**

29. The Council agreed to review the progress made in the various streams of work at the end of the July meetings to prepare for the third part of the session later in 2022. In respect of the intersessional work, the Council noted that the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment would host a webinar on the issue of the environmental compensation fund and sustainability around mid-June. Recalling that the meetings of the informal working groups must be held during the meetings of the session, the Council was also of the view that in-person meetings at such a critical juncture were more conducive to progress.

30. At the 278th meeting, the Council endorsed the following schedule of meetings in July: the Council would meet in plenary for three days, the Open-ended Working Group for two days, the Informal Working Group on the Protection and Preservation of the Marine Environment for two and a half days, the Informal Working Group on Inspection, Compliance and Enforcement for one day and the Informal Working Group for Institutional Matters for one day and a half.

### **VII. Application for the extension of a contract for exploration for polymetallic nodules in accordance with the procedures and criteria for the extension of an approved plan of work for exploration**

31. At its 277th meeting, the Council considered the report and recommendations of the Legal and Technical Commission relating to the application by the Government of India for a five-year extension of the contract for exploration for polymetallic nodules ([ISBA/27/C/15](#)).

32. At the same meeting, the Council, acting on the recommendations of the Commission, approved the application (see [ISBA/27/C/18](#)).

## VIII. Report of the Chair of the Legal and Technical Commission on the work of the Commission

33. At its 277th meeting, the Council was presented with the report of the Chair of the Legal and Technical Commission on the work of the Commission at the first part of the twenty-seventh session ([ISBA/27/C/16](#)).

34. The Council commended the Commission for its hard work.

35. Many delegations welcomed the progress made in the development of the regional environmental management plan for the area of the northern Mid-Atlantic Ridge, in particular the opportunity for stakeholder consultation as planned by the Commission, and they highlighted the need for allowing sufficient time for such consultation. Delegations also welcomed the progress made by the Commission in considering a standardized approach for the development of regional environmental management plans.

36. Delegations noted that the Commission would begin to consider the review of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)) in the intersessional period. Noting the discussions on the criteria and process for an environmental impact assessment under the draft exploitation regulations, it was suggested that criteria and process be also developed for such assessments during the exploration phase. Some delegations also highlighted the need for developing criteria for the establishment of impact reference zones and preservation reference zones, which were relevant to both exploration and exploitation.

37. The Council considered the request by the Federal Institute for Geosciences and Natural Resources to defer by one year the schedule of relinquishments of parts of the contract area allocated to it under its contract for exploration for polymetallic sulphides. Following the recommendation of the Commission, the Council approved the request based on unforeseen exceptional circumstances arising in connection with the operational activities of the contractor, as provided for in regulation 27, paragraph 6, of the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#)). The decision of the Council is contained in document [ISBA/27/C/19](#).

38. The Council noted the relinquishment of one third of the area allocated to the Japan Oil, Gas and Metals National Corporation under its contract for exploration for cobalt-rich ferromanganese crusts (see [ISBA/27/C/17](#)).

## IX. Report on matters relating to the Enterprise

39. At its 279th meeting, on 1 April, the Council considered a report from the Special Representative of the Secretary-General of the International Seabed Authority for the Enterprise ([ISBA/27/C/14](#)), which contained a brief description of managerial policy options for the administration of the Enterprise and of the administrative functions of the interim director general during the period from July 2022 to December 2023.

40. The Council took note of the report. While recognizing the importance of following a timely step-by-step approach for the operationalization of the Enterprise, some delegations requested more time to review the questions raised in the report with regard to the appointment of an interim director general in accordance with the relevant provisions of the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

## Annex

### **Oral reports by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract and by the Facilitators of the informal working groups**

#### **I. Oral report delivered by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, Olav Myklebust (Norway)**

1. I have the honour to report the outcome of the fourth meeting of the Open-ended Working Group of the Council in Respect of the Development and Negotiation of the Financial Terms of a Contract under article 13, paragraph 1, of annex III to the United Nations Convention on the Law of the Sea and section 8 of the annex to the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.
2. The Open-ended Working Group met on 21 and 22 March 2022, in line with the road map endorsed by the Council in December 2021.
3. On 22 March, Richard Roth (Massachusetts Institute of Technology) presented a summary of benefits and disadvantages of all four options for a payment system.
4. The Open-ended Working Group continued discussions on the system of payments with a focus on the options for a payment system, as presented in the briefing note prepared by the Chair, and on the basis of the studies carried out at the request of the Council at its meeting in February 2020.
5. Some delegations expressed views in favour of option 4, while others expressed views in favour of keeping all four options open for further consideration and negotiations and agreeing on a consensus option in the future.
6. The Open-ended Working Group suggested that a study be carried out on environmental costs, including on how to internalize costs associated with externalities, such as the valuation of ecosystem services and natural capital, as well as incentives for good performance, and the impact of such costs on the payment system.
7. The Open-ended Working Group agreed that the Chair should prepare a briefing note in advance of the July meeting and that the note should include a draft text for a payment system.
8. The Open-ended Working Group agreed to continue its discussions on the understanding that nothing was agreed until everything was agreed.

#### **II. Oral report delivered by the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)**

9. The Informal Working Group on the Protection and Preservation of the Marine Environment held seven meetings, on 23, 24, 25 and 28 March.
10. We have already received over 100 textual proposals. This reflects the intensity of the work and the active involvement of all delegations, for which I am more than grateful. This figure also indicates that any attempt at drafting a summary is challenging.

11. At the first meeting, on 23 March, I presented the summary of general comments and initial reactions on the Facilitator's text (ISBA/27/C/IWG/ENV/CRP.1), in line with the road map.
12. The Facilitator's text was viewed as a solid basis for future negotiations.
13. The Informal Working Group managed to conduct a full reading of parts IV and VI of and annexes IV, VII and VIII to the draft regulations. Some areas, which I highlighted in the Facilitator's text as requiring further clarification, have been clarified by proponents. I have also taken note of when delegations expressed preference for the reinsertion of proposals that they had made and that were not reflected in the Facilitator's text. I will reflect on this in the revised version of the Facilitator's text.

#### **General comments on the revised Facilitator's text**

14. Now I wish to report some general comments before attempting to highlight some specific comments that were made and upon which I need to reflect further for the next iteration of the Facilitator's text.
15. Comments were made regarding regional environmental management plans, environmental impact assessments and environmental monitoring, while noting that further work would be needed to revisit the structure and language of the provisions, as well as the placement of the new regulations in the overall text of the draft regulations. I also take note that suggestions and textual proposals were made by delegations concerning further details with regard to specific environmental requirements, additional elements of environmental impact assessments and environmental monitoring, consultation with coastal States in environmental impact assessments and reference to "traditional and local knowledge", among other aspects.
16. There was a discussion on test mining. Delegations discussed the timing of and other practical issues related to test mining and its environmental impact assessment requirements. Therefore, I invite the proponent of the proposed texts to provide further clarification for the meeting in July.
17. With regard to the environmental compensation fund, delegations recognized the importance of that section and suggested further details to be added, such as rules and procedures for the fund. It was suggested that further discussion was needed on the purpose of the fund and its funding, as well as its relationships with the sustainability fund. Delegations noted that a technical study had been published under the title *Study on an Environmental Compensation Fund for Activities in the Area*, and I proposed to host a webinar on that topic around mid-June, after delegations have had time to go through the relevant technical study.
18. Some cross-cutting issues identified during the discussions included consistency and coherence among the different elements of the legal framework, in particular between the draft regulations and the draft standards and guidelines. Some specific terms used in the draft regulations will need to be re-examined to ensure that their use is consistent with the Convention.
19. There were instances where different views were expressed as to the insertion of text in the Facilitator's text, and I will revert to this in the revised Facilitator's text.
20. Specific comments were made in relation to the annexes, in particular annex IV, on the environmental impact statement. I will further reflect on all the textual proposals.



*Schedule*

21. In the context of the Informal Working Group's discussions, I mentioned that the Council had not had the opportunity to consider in plenary whether the schedule on the use of terms and scope in the draft regulations would be discussed in plenary or by an informal working group. In view of this, I indicated that the inclusion of the references to proposals relating to terms in the schedule in the Facilitator's text should be considered as preliminary, pending the decision of the Council in plenary on how it would approach the schedule.

*Phase 1 draft standards and guidelines*

22. The Informal Working Group had a preliminary exchange of views on the draft standard and guidelines for the environmental impact assessment process ([ISBA/27/C/4](#)). The Group benefited from the participation of the Chair of the Legal and Technical Commission, Harald Brekke, and of Malcolm Clark, also member of the Commission, who both provided a useful overview and clarification concerning that document. I also note that some textual proposals have been submitted in relation to other draft standards and guidelines, using the template provided on the website of the Authority.

**Way forward**

23. In the light of specific textual proposals made during this meeting, I intend to prepare a revised Facilitator's text in the intersessional period for consideration by the Informal Working Group in July. I intend to circulate it by the end of June.

24. In this connection, and to enable me to prepare the revised Facilitator's text, and in view of the requests by some delegations to submit textual suggestions after this session, I suggest that delegations that wish to do so send their comments to the secretariat no later than 15 April, using the template provided on the website of the Authority.

25. For the preparation of the revised Facilitator's text for July, I intend to follow the same approach that I followed for the preparation of the Facilitator's text, as described in the introduction to the current version of the Facilitator's text.

26. Regarding further discussions on the draft standard and guidelines for the environmental impact assessment process ([ISBA/27/C/4](#)), draft guidelines for the preparation of environmental impact statements ([ISBA/27/C/5](#)), draft guidelines for the preparation of environmental management and monitoring plans ([ISBA/27/C/6](#) and [ISBA/27/C/6/Corr.1](#)) and draft guidelines for the establishment of baseline environmental data ([ISBA/27/C/11](#)), I stand to be guided by the plenary meeting on an approach to continue the discussions of those documents in the forthcoming meetings of the Council in 2022.

### **III. Oral report delivered by the Facilitator of the Informal Working Group on Inspection, Compliance and Enforcement, Maureen Tamuno (Nigeria)**

27. The Council may recall that, during the second part of the twenty-sixth session, it agreed on a road map for work on the draft regulations in 2022, which included how the Informal Working Group on Inspection, Compliance and Enforcement would undertake its work. In the statement by the President of the Council on the work of the Council ([ISBA/26/C/13/Add.1](#)), it is stipulated that the Group would devote one day to an introduction to its work, outlining the scope of work and the discussion of modalities.

28. In this respect, I provided a briefing note dated 16 March 2022, which is available on the website of the Authority. In line with the programme of work, the Informal Working Group convened on 28 and 29 March 2022. During the meetings, the Group considered the scope of work and modalities as outlined in the Facilitator's briefing paper and agreed with the approach suggested by the Facilitator in that regard.

29. On 28 March, the Informal Working Group commenced its first reading of part XI of the draft regulations in relation to draft regulations 96 to 99 and, on 29 March, it discussed draft regulations 99 to 105.

30. Delegates provided comments on a wide range of cross-cutting issues, such as the creation of the institutional framework through which effective inspection, compliance and enforcement could be undertaken. Several delegations shared the view that it would be important for the Authority to create an inspectorate for effective monitoring of compliance within set and well-established legal standards, as well as the implementation of penalties in the event of non-compliance.

31. The Informal Working Group also explored the importance of streamlining the role of sponsoring States, flag States and coastal States. The importance of adopting remote monitoring means to ensure real-time monitoring was discussed. The idea of the possibility of constituting a Council's compliance committee to carry out oversight functions was presented. Delegations also stressed the need to ensure that the inspection mechanism was transparent, fair and independent, to safeguard against conflicts of interest, and was established on the basis of an evolutionary approach. This would also involve the need to set clear criteria for triggering an inspection. The importance of a reporting line that streamlined a confidential reporting process for breaches was also mentioned.

32. The subject of electronic and remote monitoring methods was also discussed extensively during the Informal Working Group meetings. Delegates shared the view that the inspectorate would benefit from the development of real-time monitoring apparatus not just for mining but also for the monitoring of environmental data, to allow for adaptive management.

33. Delegations further expressed the need to ensure that the provisions under part XI of the draft regulations were consistent with the Convention and the 1994 Agreement, as well as the advisory opinion delivered by the Seabed Disputes Chamber on the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area, especially as it related to dispute resolution measures.

34. Delegations also identified the need for the role of the Secretary-General to be further discussed, in view of the decision-making role on inspection matters, which should rest with the Council. In this regard, it is pertinent to determine whether the inspectorate will report to the Secretary-General or to the Council directly. There is also scope for including the Legal and Technical Commission in the reporting channels, bearing in mind that the reports received may be of a technical nature.

35. In order to progress discussions on that part, I, as Facilitator, will collate the written textual proposals from delegations, with a view to producing a Facilitator's text for the July meetings. This text will contain suggestions and changes in a marked version and boxes providing rationale in the review. Delegates have been requested to provide their comments no later than 22 April 2022, to allow sufficient time for me to prepare the Facilitator's text at least two weeks in advance of the July meetings of the Council.

#### **IV. Oral report delivered by the Co-Facilitators of the Informal Working Group on Institutional Matters, Constanza Figueroa (Chile) and Gina Guillén-Grillo (Costa Rica)**

36. In accordance with the Council's programme of work, the Informal Working Group on Institutional Matters met on the afternoons of 29 and 30 March.

37. On 29 March, the Co-Facilitators made a presentation in which the mandate assigned to the Informal Working Group was introduced and the general meaning of the term "institutional matters" was shared, together with some questions that could enrich the discussion in each section of the regulations when assigning a certain role or responsibility to the various International Seabed Authority bodies. A brief presentation was made as to what some of the articles of the Convention, the 1994 Agreement and the Authority's regulations indicated regarding the responsibilities and functions of the organs of the Authority. At the request of the Group, the presentation was uploaded to the Authority's website.

38. In relation to the scope of work, it was proposed that the Informal Working Group consider the following sections of the draft regulations: part I, part II, part V, part VIII, part IX, part XII, part XIII, appendix II and appendix III. This scope received unanimous support in the Group. Because the Informal Working Group had to facilitate discussions on a larger number of regulations and broader range of topics, several delegations requested that more time be assigned to it in future meetings.

39. During the discussion, many participants highlighted the relevance of the Informal Working Group, in particular in achieving a clear division of the respective roles and responsibilities of the various bodies of the Authority, emphasizing that, in the regulations, such functions should not go beyond their respective competence. Participants requested a "flow chart" of the roles and responsibilities under the Convention, the 1994 Agreement and the draft regulations. The Co-Facilitators agreed on the usefulness of such mapping, and the Secretariat had indicated to the Council that it would prepare a background paper on the roles and responsibilities of the Authority and the sponsoring States for July, which would also contribute to the discussion of and preparation for the "mapping of functions".

40. Delegations stressed the need for the Informal Working Group to discuss the operationalization of the Enterprise and the Economic Planning Commission as an important part of the institutional arrangements.

41. After the conclusion of the general discussion that followed the Co-Facilitators presentation, the first reading of part I was conducted regulation by regulation.

42. Some delegations took the floor to present and explain their proposals that were already included in the International Seabed Authority compilations, while other delegations orally completed or amended their previous proposals, and others made new contributions orally. They were requested to forward all comments by means of the template prepared by the Secretariat for that purpose by the deadline of 29 April 2022.

43. During the reading of part I, a preliminary discussion was held regarding the "use of terms and scope". Several delegations referred to the standards and guidelines and the consistency that should be applied in relation to the draft regulations. The need for consistency with the Convention was also highlighted.

44. Regarding "fundamental policies and principles", some delegations pointed out that principles should not be placed on the same level as policies, as shown by the reference to both terms in the regulation title. Opinions were also shared regarding whether it would be advisable to refer to the Sustainable Development Goals, since

the regulations must be based on a long-term vision. Many delegations referred to the importance of the regional environmental management plans to ensure the implementation of article 145 of the Convention. There were also many extensive comments on the precautionary principle/approach.

45. With respect to the “duty to cooperate and exchange of information”, delegations emphasized the importance of cooperation and the exchange of information needed for implementing the regulatory framework. Most delegations referred to the importance of removing the term “best endeavours”.

46. In relation to the “protection measures in respect of coastal States”, several delegations said that the use of “serious damage” would set up a very high threshold.

47. In view of the fact that the discussion of part I was achieved in less time than expected, the Informal Working Group initiated the first reading of part II (Applications for approval of Plans of Work in the form of contracts). Draft regulation 5 was the only text that was discussed from that part. Several delegations stressed the importance of discussing the issue of effective control within the framework of the Working Group. When asked by the Co-Facilitators whether the entire group considered it appropriate, there was consensus, and the Co-Facilitators indicated that it would be included in the Group’s programme of work.

48. There was a rich exchange of ideas and active participation by those present in person and virtually.

49. The Co-Facilitators will prepare for July:

(a) An updated compilation of comments on parts I, II, V, VIII, IX, XII and XIII and appendices II and III, in Excel;

(b) A proposed text for regulations 1 to 5;

(c) A draft mapping of the functions of the various bodies and stakeholders.

50. In order to avoid duplication to address the cross-cutting issues, the work will be coordinated with the Facilitators of the other working groups.

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