



## Legal and Technical Commission

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Item 8 of the provisional agenda\*

**Consideration of applications for extensions of contracts in accordance with 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 relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982**

### **Application for the extension of an approved plan of work for exploration 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**

#### Note by the secretariat

## I. Introduction

1. During the twenty-seventh session of the International Seabed Authority, in 2022, the Legal and Technical Commission will be required to consider an application for the extension of an approved plan of work for exploration, submitted in accordance with the decision of the Council of 23 July 2015 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 relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ([ISBA/21/C/19](#)). The purpose of the present note is to inform the Commission of the status of the application and to outline a suggested process for its consideration.

## II. Status of applications

2. On 20 October 2021, an application for the extension of an approved plan of work for exploration for polymetallic nodules was received from the Government of India. The Members of the Authority and the Members of the Legal and Technical Commission were notified of the application on 3 and 4 November 2021, respectively.

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\* [ISBA/27/LTC/L.1](#).



The present extension agreement will expire on 24 March 2022, therefore the deadline for applying for extension was 24 September 2021. The applicant has requested an extension of five years and has paid the required fee of \$67,000.

### III. Process for consideration

3. The process for the consideration of an application for extension by the Commission is set out in paragraphs 8 to 13 of the annex to decision [ISBA/21/C/19](#). Under those provisions, the Commission is required to consider applications expeditiously and in the order in which they are received.

4. To facilitate consideration of the application by the Commission, the secretariat is preparing a preliminary evaluation of the data and information provided by the applicant. This evaluation will be made available to the Commission before the start of its meetings. In this regard, information and data, as well as the proposed programme of activities for the requested period of extension, are also being evaluated against the applicable recommendations issued by the Commission.<sup>1</sup> The format of the preliminary evaluation follows appendix I to decision [ISBA/21/C/19](#). The preliminary evaluation will also identify any missing or incomplete data and information.

5. It should be noted that the Commission may request an applicant to submit such additional data and information as may be necessary regarding the implementation of the plan of work and compliance with the standard clauses of the contract, in accordance with paragraph 9 of the annex to decision [ISBA/21/C/19](#).

### IV. Report and recommendations of the Legal and Technical Commission

6. Pursuant to paragraph 9 of section 1 of the annex to the agreement and paragraph 12 of the annex to decision [ISBA/21/C/19](#), 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 but, for reasons beyond its control, has been unable to complete the preparatory work necessary for proceeding to the exploitation stage or if the prevailing economic circumstances do not justify proceeding to that stage.

7. The Commission is required to submit its report and recommendations on the application to the Council at the first possible opportunity, taking into account the schedule of meetings of the Authority. The Council is tentatively scheduled to meet in March/April and July 2022.

8. Following its previous practice regarding the consideration of complex legal and technical matters, the Commission may wish to consider dividing itself into working groups that would report to the Commission. The groups could be tasked with a preliminary review of thematic aspects, such as legal, financial, training, geological, technological and environmental aspects.

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<sup>1</sup> Recommendations for the guidance of contractors on the content, format and structure of annual reports ([ISBA/21/LTC/15](#)), recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditure ([ISBA/21/LTC/11](#)), recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration ([ISBA/19/LTC/14](#)) and 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](#)).