



**Guideline on the preparation and assessment of an application for the approval of a  
Plan of Work for exploitation  
developed by the Legal and Technical Commission**

**DRAFT FOR STAKEHOLDERS CONSULTATION  
(DO NOT QUOTE OR CITE)**

**Background**

1. At the first and second parts of its twenty-sixth session, the Commission considered draft guidelines on the preparation and assessment of an application for the approval of a plan of work for exploitation on the basis of a draft prepared by the Secretariat.
2. The Commission considered that it was important, in light of the significant amount of information already included in the Draft regulations on exploitation of mineral resources in the Area (ISBA/25/C/WP.1), including draft regulation 7 and annex I, to not duplicate the Draft regulations or create additional requirements. In that regard, it decided to develop a checklist, to be read in conjunction with the Draft regulations, identifying the elements that should be part of an application with a view to assisting the applicant in ensuring that all required information and documents are included in the application. The Commission also considered it important to provide a flow chart showing the process pursuant to which an application will be considered, including timelines.
3. The Commission considered that Guidelines relating to Financial Information provided for in Annex 1, Section IV, of the Draft regulations should not be addressed in this guideline, and that if standards or guidelines are required on this issue, they be addressed separately.



46 9. Annex II to this document includes a flow chart showing the process pursuant to which an  
47 application will be considered.  
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**Checklist for the preparation of an application for the approval  
of a Plan of Work for exploitation**

Row	<b>Regulations Requirement (Based on ISBA/25/C/WP.1)</b>	<b>Does the Application Meet These Requirements?</b>
1	Form of the application (DR 7, annex I)	<p>Does the application include the following information as required under Annex I of the Regulations:</p> <ul style="list-style-type: none"> <li>• Information concerning the applicant?</li> <li>• Information relating to the area under application?</li> <li>• Technical information?</li> <li>• Financial information?</li> <li>• The written undertakings required under draft regulation 7?</li> <li>• Information concerning previous contracts with the Authority?</li> <li>• A list of all the attachments and annexes to the application (see section “Material accompanying the application” below)?</li> </ul>
2	Qualification of the applicant (DR 5)	<p>Is the applicant one of the following:</p> <ul style="list-style-type: none"> <li>• The Enterprise, on its own behalf or in a joint arrangement?</li> <li>• A State party to the United Nations Convention on the Law of the Sea?</li> <li>• A State enterprise?</li> <li>• A natural or juridical person which possess the nationality of States or are effectively controlled by them or their nationals, when sponsored by such States, or any group of the foregoing which meets the requirements of the Draft regulations?</li> </ul> <p>Was the application submitted:</p> <ul style="list-style-type: none"> <li>• In the case of a State, by the authority designated for that purpose by it?</li> <li>• In the case of the Enterprise, by its competent authority?</li> <li>• In the case of any other qualified applicant, by a designated representative, or by the authority</li> </ul>

Row	Regulations Requirement (Based on ISBA/25/C/WP.1)	Does the Application Meet These Requirements?
		<p>designated for that purpose by the sponsoring State or States?</p> <hr/> <p>If the applicant is a State enterprise or a natural or juridical person which possesses the nationality of States or is effectively controlled by them or their nationals, does the application contain:</p> <ul style="list-style-type: none"> <li>• Sufficient information to determine the nationality of the applicant or the identity of the State or States by which, or by whose nationals, the applicant is effectively controlled?</li> <li>• The principal place of business or domicile and, if applicable, the place of registration of the applicant?</li> </ul> <hr/> <p>If the applicant is a partnership or consortium of entities, does the application contain:</p> <ul style="list-style-type: none"> <li>• The information required by the Draft regulations in respect of each member of the partnership or consortium?</li> <li>• A specification of the lead member of the consortium or group?</li> </ul>
3	Certificate of sponsorship (DR 6)	<p>If the applicant is a State enterprise or a natural or juridical person which possess the nationality of States or are effectively controlled by them or their nationals, is the application accompanied by a certificate of sponsorship issued by the State of which it is a national or by whose nationals it is effectively controlled?</p> <hr/> <p>Is the certificate of sponsorship duly signed on behalf of the State by which it is submitted?</p> <hr/> <p>Does the certificate of sponsorship contain the following information:</p> <ul style="list-style-type: none"> <li>• The name of the applicant?</li> <li>• The name of the sponsoring State?</li> </ul>

Row	Regulations Requirement (Based on ISBA/25/C/WP.1)	Does the Application Meet These Requirements?
		<ul style="list-style-type: none"> <li>• A statement that the applicant is: <ul style="list-style-type: none"> <li>○ A national of the sponsoring State; or</li> <li>○ Subject to the effective control of the sponsoring State or its nationals?</li> </ul> </li> <li>• A statement by the sponsoring State that it sponsors the applicant?</li> <li>• The date of deposit by the sponsoring State of its instrument of ratification of, or accession or succession to, the United Nations Convention on the Law of the Sea, and the date on which it consented to be bound by the Agreement?</li> <li>• A declaration that the sponsoring State assumes responsibility in accordance with articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention?</li> </ul> <p>If the applicant has more than one nationality, as in the case of a partnership or consortium of entities from more than one State, has each State involved issued a certificate of sponsorship?</p> <p>If the applicant has the nationality of one State but is effectively controlled by another State or its nationals, has each State issued a certificate of sponsorship?</p>
4	Written undertaking (DR 7)	<p>Does the application contain the following written undertakings that the applicant will:</p> <ul style="list-style-type: none"> <li>• Accept as enforceable and comply with the applicable obligations created by the provisions of Part XI of the Convention, the rules, regulations and procedures of the Authority, the decisions of the organs of the Authority and the terms of its contract with the Authority?</li> <li>• Accept control by the Authority of activities in the Area, as authorized by the Convention?</li> <li>• Provide the Authority with a written assurance that its obligations under its contract will be fulfilled in good faith?</li> <li>• Comply with the national laws, regulations and administrative measures of the sponsoring State or States made pursuant to articles 139 and 153</li> </ul>

Row	Regulations Requirement (Based on ISBA/25/C/WP.1)	Does the Application Meet These Requirements?
		(4) of the Convention and article 4 (4) of annex III to the Convention?
5	Material accompanying the application (DR 7)	<p>Is the application accompanied by:</p> <ul style="list-style-type: none"> <li>• The data and information to be provided pursuant to section 11.2 of the standard clauses for Exploration contracts, as annexed to the relevant Exploration Regulations?</li> <li>• A Mining Workplan prepared in accordance with annex II to these regulations?</li> <li>• A Financing Plan prepared in accordance with annex III to these regulations?</li> <li>• An Environmental Impact Statement prepared in accordance with regulation 47 and in the format prescribed in annex IV to these regulations?</li> <li>• An Emergency Response and Contingency Plan prepared in accordance with annex V to these regulations?</li> <li>• A Health and Safety Plan and a Maritime Security Plan prepared in accordance with annex VI to these regulations?</li> <li>• A Training Plan in fulfilment of article 15 of annex III to the Convention, prepared in accordance with the Guidelines?</li> <li>• An Environmental Management and Monitoring Plan prepared in accordance with regulation 48 and annex VII to these regulations?</li> <li>• A Closure Plan prepared in accordance with regulation 59 and annex VIII to these regulations?</li> <li>• An application processing fee in the amount specified in appendix II of the Draft regulations on exploitation?</li> </ul>
6	Area covered by the application (DR 7, DR 8, Annex I)	<p>Does the application define the boundaries of the area under application by a list of coordinates in accordance with the most recent applicable international standard used by the Authority?</p> <hr/> <p>Is the area under application defined in the form of blocks comprising one or more cells of a grid, as provided by the Authority?</p>

Row	Regulations Requirement (Based on ISBA/25/C/WP.1)	Does the Application Meet These Requirements?
		If the proposed Plan of Work proposes two or more non-contiguous Mining Areas, does the application demonstrate that a single set of Environmental Impact Statement, Environmental Management and Monitoring Plan and Closure Plan is appropriate?

54 Application and approval process for a plan of work for exploitation

