



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.jm, 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 standard and guidelines developed by the Legal and Technical Commission on the review of a Plan of Work |
| <i>Contact information</i> | |
| Surname: | O'Brien |
| Given Name: | Greg |
| Government (if applicable): | United States of America |
| Organization (if applicable): | Department of State |
| Country: | USA |
| E-mail: | obriengj@state.gov |

| General Comments | | |
|--|-------------|--|
| Overall, the document seems to largely paraphrase requirements that are more clearly and explicitly established in the regulations themselves, which may exacerbate confusion rather than ameliorate it. | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Specific Comments | | |
| Page | Line | Comment |
| 2 | 11 | Paragraph 2 states that the purpose of an application for a plan of work is to demonstrate that the proposed exploitation activities “will comply with . . . Standards and Guidelines.” “Guidelines” should be removed from this sentence, as guidelines are not meant to be legally binding and therefore do not require compliance. |
| 2 | 26 | Paragraph 5 states that “Specific guidance on the preparation of the component elements of an application is provided in the relevant Regulations, Standards and Guidelines.” This sentence mischaracterizes the Standards and Regulations as “guidance”; therefore, we propose removing this sentence. |
| 2 | 33-35 | Paragraph 6 recognizes the potential import of existing bodies of practice from similar industries; however, it does not appear to provide operative guidance or otherwise inform the checklist or flow chart. Due to the unique nature of deep-sea mining on the high seas, the United States is concerned that this statement without additional explanation has the potential to create confusion and, therefore, proposes to remove it or elaborate on it. |
| 4 | Annex I | The checklist in Annex I to the document does not appear to provide additional guidance regarding the regulatory requirements, but instead appears to simply restate the requirements contained in the relevant portions of the draft exploitation regulations. The United States is concerned that this approach has the potential to increase confusion, as the checklist paraphrases the regulations, as opposed to quoting directly. |
| 9 | Flow Chart | Replace “60” with “90” -- Increasing the period for review of the environmental plans is necessary to allow all stakeholders to review and provide comments on these plans, which are expected to be lengthy and complex. |
| 9 | Flow Chart | The Flow Chart does not seem to take into account the possibility of the Council denying a plan of work. This possibility should be included somewhere to avoid the implication that the Council’s consideration is pro forma. |
| | | |

| | | |
|--|--|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| <i>Additional rows can be added to this table by selecting "Table" followed by "insert" and "rows below"</i> | | |

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