



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. Stakeholder consultation is 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 stakeholder consultation during its current session.
4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to ola@isa.org.im, 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 by the Legal and Technical Commission.
 - 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:	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
<i>Contact information</i>	
Surname:	Charles
Given Name:	Eden
Government (if applicable):	
Organization (if applicable):	Special Representative of the Secretary-General for the Enterprise
Country:	

E-mail:	subama@yahoo.com
----------------	------------------

General Comments

The Special Representative commends the Legal and Technical Commission (“the Commission”) for its work in preparing the Guideline on the preparation and assessment of an application for approval of a plan of work for exploitation as it would assist in the implementation of the exploitation code when adopted.

The Special Representative recognizes the efforts of the Commission to not duplicate the work done on the application for approval of a plan of work contained in the Draft exploitation code, but recognizes further that the said Guideline under consideration was drafted in keeping with the spirit of the framework provided in the relevant parts of the Annex to the 1994 Agreement (“the Annex”).

At the same time, the Special Representative wishes to submit that paragraphs 1 and 2 of the Guideline should be amended to include reference to “the Enterprise”, as the text in its present form only makes reference to “Contractor”. Such an amendment would be consistent with the language used in Annex 1 to the Guideline, where in relevant part, “the Enterprise” is referenced. In addition, by referring to “the Enterprise”, the Guideline would also be consistent with what is provided for in Section 2, paragraphs 2, 3, 4, 5 of the Annex to the 1994 Agreement, where “the Enterprise” as a distinct entity is referenced even where there are referrals to “Contractor.”

Specific Comments

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