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Agenda item 12

**Report of the Chair of the Legal and Technical Commission on
the work of the Commission at its twenty-fifth session**

Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-fifth session

Addendum

I. Introduction

1. The second part of the 2019 session of the Legal and Technical Commission of the International Seabed Authority was held from 1 to 12 July.
2. Twenty-five members of the Commission attended the meetings. Mark Alcock, Mario Aurelio, Milind Wakdikar and Théophile Ndougsa Mbarga were unable to attend; however, they managed to contribute to discussions by remote presentation or email. Alonso Martínez Ruiz had resigned from the Commission in April 2019. Following the previous practice, Erasmo Alonso Lara Cabrera participated in the meetings held from 8 July 2019 in his capacity as a candidate nominated by the Government of Mexico for the election to fill a vacancy on the Commission.

II. Activities of the contractors

A. Implementation of training programmes under plans of work for exploration and allocation of training opportunities

3. On 1 July, the Commission was briefed on the selection of candidates for training programmes since the first part of its session, in March, and was invited to select eight additional candidates for four training programmes being offered, pursuant to four contracts for exploration with the Authority. On 12 July, the Commission considered a report by the training group on the selection of candidates and endorsed recommendations made by the training group. The details are contained in document [ISBA/25/LTC/7](#).



4. The Commission took note that 10 contractors had provided information on the policies and procedures that they had in place concerning health, safety and harassment, both for vessels and institutions where training took place, and requested that the secretariat continue with its efforts to collect such information from other contractors.

B. Annual reports of contractors

5. During the present session, the Commission considered 29 annual reports on activities carried out by contractors in 2018. The Commission expressed its appreciation to the secretariat for a preliminary evaluation of the reports. Following previous practice, the Commission set up three working groups to review the geological and technological, legal, and financial, as well as environmental aspects of the annual reports. In addition to specific comments on each report to be conveyed to the individual contractors by the Secretary-General, the Commission made a series of general comments, as recorded below.

6. The Commission noted that, by and large, contractors had complied with the reporting requirements for the annual reports. Most reports were structured in accordance with the reporting template (see [ISBA/21/LTC/15](#)), but there were still several contractors who had not followed the data reporting template. The Commission reaffirmed that environmental and geological data should be submitted in a digital and spatially georeferenced format that was compatible with the Authority's requirements (*ibid*, annex IV), using the environmental and geological data reporting templates of the Authority.

7. It was also noted that there were a number of contractors that had incurred far greater expenditure than expected, suggesting that those contractors had gone beyond the scheduled programme of activities. However, the expenditure of some other contractors was also lower than predicted. Contractors were reminded that reasons should be given for expenditure that was lower than forecasted, in particular where the reason for the lower expenditure was that the full programme of activities planned for that year had not been carried out.

8. The Commission noted with appreciation that most of the contractors had undertaken their activities in accordance with their scheduled programme. However, the Commission also noted that some contractors were facing challenges in carrying out their scheduled programme of activities.

9. The Commission welcomed and expressed support for the continuing trend towards collaboration between contractors, as well as with academia. That collaboration had extended to taxonomic standardization, joint environmental surveys and data collection, linkages with international research programmes and sampling in areas of particular environmental interest that were part of the environmental management plan for the Clarion-Clipperton Fracture Zone. That could potentially lead to a much improved regional understanding of environmental patterns and inform the review of that environmental management plan and others currently under development.

10. The Commission noted that some contractors had not responded to the its questions and recommendations in respect of their previous annual reports. Contractors were reminded that they were required to respond to such questions and recommendations in a timely manner.

11. The Commission also noted that some contractors were undertaking studies that enhanced their level of reporting resource potential from inferred to indicated and measured. Moreover, positive results reported from the exploration for polymetallic

sulphides in 2018 could imply a considerable upgrading of the mineral resource potential of mid-ocean ridges in general. Some contractors had started preliminary pre-feasibility studies, preliminary economic assessments and studies of commodity market and metal market dynamics, in addition to getting ready for collector tests.

12. The Commission further noted that most contractors continued to progress with the collection or analysis of baseline environmental data, analysing existing or new data, taking stock of previous data and analysing time series of some data sources. An element that was missing from almost all annual reports was a review of progress made in reaching the level of baseline data considered as adequate in the relevant recommendations of the Commission. The statistical rigour associated with the environmental baseline data would become an important factor when the time came for contractors to include an environmental impact assessment in their applications for exploitation. This issue was linked to the periodic review, but it was also strongly recommended that contractors evaluate their proposed programmes of activities in the light of the data requirements of future environmental impact assessments.

13. The Commission commended a number of contractors for much improved quality in their survey design, sampling distribution and replication. There were, however, ongoing concerns about whether enough was being done for baseline studies to assess natural spatial and temporal variability, and some differences in methodology or sampling equipment that could constrain analyses at the regional level. The Commission also noted that certain sampling practices could be improved through greater collaboration between geologists and biologists, such as sharing resource-oriented box corer samples. The Commission drew the attention of the contractors to the revised recommendation 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](#)).

14. The Commission noted that several contractors were well into their contracts or extension periods. Progress with exploration work by contractors operating within the extension period was behind schedule in its aim to complete the resource assessment by the end of that period.

15. The Commission noted that a few contractors were repeatedly performing inadequately or incompletely against an approved plan of work. A further issue was that a few contractors had indicated that the implementation of the plan of activities would be conditional on external factors, regardless of the applicable contractual requirements. In that respect, the Commission recommended the following approach to the Council:

(a) The Secretary-General should follow up in writing with the contractors concerned, taking into account their previous behaviour, and request meetings with them;

(b) At the same time, the Secretary-General should write to the respective sponsoring States to bring that issue to their attention and request a meeting with them to address it;

(c) If contractors still did not fulfil their contractual obligations in an acceptable manner after the aforementioned steps had been taken, the Commission would communicate to the Council which contractors had not satisfactorily met their contractual requirements and highlight the options available under the Convention.

C. Report on the periodic reviews of the implementation of plans of work for exploration

16. The Commission was provided with an update on the status of the periodic review of the Japan Oil, Gas and Metals National Corporation for cobalt-rich ferromanganese crusts and UK Seabed Resources Ltd. for polymetallic nodules. After the first part of the session, three contractors had submitted their five-year periodic reports: China Ocean Mineral Resources Research and Development Association for cobalt-rich ferromanganese crusts, Global Sea Mineral Resources NV for polymetallic nodules and the Government of the Republic of Korea for polymetallic sulphides.

17. The Commission concluded a discussion on ways that it could contribute to the periodic review. The Commission proposed that it be notified when periodic reports were uploaded to the secure website of the Commission, so that it might then provide feedback to the secretariat, originating either from individual member or from subgroups. The secretariat would perform its own reviews in parallel, referring matters to the Commission when the expert knowledge of the Commission was required. The secretariat would collate the advice and comments received, which would then be used in bilateral discussions between the Secretary-General and the contractors to finalize the review.

D. Relinquishment of areas under contract for exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts

18. With a view to assisting contractors in fulfilling their obligations in respect of the relinquishment of areas from the original contract area under the regulations on prospecting and exploration for polymetallic sulphides in the Area ([ISBA/16/A/12/Rev.1](#), annex) and the regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area ([ISBA/18/A/11](#), annex), the Commission adopted a set of recommendations for the guidance of contractors on the relinquishment of areas under the exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts, on 10 July 2019, as contained in document [ISBA/25/LTC/8](#).

III. Consideration of an application for approval of a plan of work for exploration

19. The Commission resumed its consideration of the application for approval of a plan of work for exploration for polymetallic nodules from the Beijing Pioneer Hi-Tech Development Company on 1, 2 and 3 July. On 3 July, the Commission concluded its consideration, recommended approval of the application and adopted its report and recommendations to the Council in that respect ([ISBA/25/C/30](#)).

IV. Regulatory activities of the Authority

A. Standards and guidelines

20. The Commission considered the report of the workshop held in Pretoria from 13 to 15 May 2019 on the development of standards and guidelines for activities in the Area. In particular, the Commission discussed the outcomes of the workshop,

including the suggestions that had been made, and made the following recommendations to the Council:

(a) The terms “standards” and “guidelines” should be understood in the context of draft regulations 94 and 95 of the draft regulations on exploitation of mineral resources in the Area (ISBA/25/C/WP.1). Standards were regarded as mandatory, whereas guidelines were recommendatory

(b) An outcome-based approach should be used in the development of standards and guidelines;

(c) Standards and guidelines should be put in place in phases, as follows:

(i) Phase 1: Completion by the time of the adoption of the draft regulations;

(ii) Phase 2: Completion prior to the receipt of the first application for a plan of work for exploitation;

(iii) Phase 3: Completion by the time of commencement of commercial mining activities;

(d) Six sets of guidelines should be developed and work on three additional sets should be initiated in phase 1;

(e) Two technical working groups, led by members of the Commission and including an appropriate number of recognized experts in the field selected on the basis of article 165, paragraph 2 (e), of the Convention, should be established in 2019 to support the development of several environmental guidelines;

(f) Members of the Commission and the secretariat would prepare draft environmental goals, objectives and principles to support the development of standards and guidelines.

21. The Commission also recommended processes for the development of standards and guidelines. These included a step to allow for stakeholder consultations and comments. The adoption of standards by the Council and their approval by the Assembly had been considered in the suggested process. In that regard, the Commission recommended that draft regulation 94 be amended to reflect that standards should be approved by the Assembly.

22. Further details of the consideration and recommendations of the Commission are set out in the annex to the present report.

B. Competencies of the Authority and the International Maritime Organization in the context of activities in the Area

23. The Commission received the report on the competencies of the International Seabed Authority and the International Maritime Organization (IMO) in the context of activities in the Area, prepared as a result of a collaborative study between the two organizations. The Commission noted that the report would be published as a technical study. Annex 3 to the report also contained a matrix on the interface of competencies of the two organizations with respect to activities in the Area. The Commission noted that the report raised a number of complex issues related to the interface of competencies, which would require closer examination at its following session.

24. The Commission also noted that the approach taken in draft regulation 30 of the draft regulations on exploitation in relation to safety, labour and health requirements was endorsed in the report. The Commission was of the view that it would be beneficial for the secretariat to explore matters relating to the occupational health and

safety rules in effect and competencies required for non-seafarers on board vessels and installations engaged in activities in the Area with the International Labour Organization, including the applicability of the Maritime Labour Convention, 2006.

25. In addition, the Commission noted that annex VI of the draft regulations was yet to be completed, and requested that the secretariat present a draft health and safety plan and a draft maritime security plan for consideration by the Commission at its following session, with a view to making relevant recommendations to the Council on that issue.

26. Furthermore, the Commission, noting the content of section 6 of the report, requested that the secretariat continue its cooperation with IMO, particularly in addressing those matters identified as requiring further research.

C. Process for environmental impact applications and assessments for designated activities during exploration

27. The Commission continued its consideration of a possible process for environmental impact applications and assessments for designated activities during exploration. In view of the information received on some of the legal and financial implications, the Commission decided to continue its consideration of those issues at its following session.

V. Environmental management plans

28. On 2 July, the Commission was briefed on progress in reviewing the implementation of the environmental management plan for the Clarion-Clipperton Zone. The Commission took note of the deep Clarion-Clipperton Zone biodiversity synthesis workshop, to be held from 1 to 4 October 2019, in the United States of America, which would be focused on synthesizing scientific data and assessing the representativeness of the areas of particular environmental interest. The results of the workshop would be made available to the Commission for the further consideration of possible additional areas of particular environmental interest, as indicated in document [ISBA/22/LTC/12](#).

29. The Commission was also briefed on progress in implementing the preliminary strategy for the development of regional environmental management plans for the period 2019–2020. It took note of two workshops to be held in partnership with the Atlantic regional environmental management plan project (sponsored by the European Commission) from 25 to 29 November 2019, in Portugal, and in June 2020, in the Russian Federation, respectively, to support the development of the regional environmental management plan for the area of the northern Mid-Atlantic Ridge, as well as of a workshop to be held in the Republic of Korea in February 2020 for the area of the north-western Pacific Ocean.

30. Furthermore, the Commission held an informal workshop on 6 July, to discuss scientific tools and approaches for developing regional environmental management plans, with a focus on mid-ocean ridges. The workshop focused on the development of scientific approaches for applying area-based management tools in the context of developing regional environmental management plans. It was also highlighted that the development of such plans should be clearly anchored in the Authority's evolving legal framework, in particular the Mining Code, and that an interdisciplinary and adaptive approach was needed to address challenges related to scientific uncertainties. The Commission was invited to provide comments on the draft guidance to facilitate the development of regional environmental management plans, which had been

prepared by the secretariat to provide clarity and guidance in the future process of developing such plans.

VI. Implementation of the data management strategy of the Authority

31. On 2 July, the secretariat briefed the Commission on progress in the implementation of the data management strategy. The Commission noted with satisfaction that the database would be launched on 25 July 2019 and that it formed part of the agenda for the twenty-fifth anniversary celebration of the Authority. The secretariat's update also included the presentation of a road map highlighting the various forthcoming events that would result in the implementation of a comprehensive data management strategy. The secretariat also provided the Commission with a report on a review of the digital data submissions by contractors in accordance with the recommendations for the guidance of contractors on the content, format and structure of annual reports (ISBA/21/LTC/15). To improve the review of annual reports and data analysis, it was recommended that the Database Manager of the secretariat establish communication with the contractors' experts in data collection and transfer, and the contractors were encouraged to provide processed data.

VII. Issues relating to the operation of the Enterprise, in particular the legal, technical and financial implications for the Authority

32. The Commission took note of the study prepared by the consultants and conducted a preliminary discussion of the study.

33. The Commission would continue its work after the present session and provide further substantive recommendations to the Council at the twenty-sixth session.

34. The Commission had taken note of the recommendation of the Special Representative of the Secretary-General for the Enterprise regarding the creation of an additional position of interim director general. The Commission noted that such a recommendation could have financial implications and required further study by the appropriate organs of the Authority. The Commission recommended that the Council consider requesting that the Secretary-General, subject to the availability of the requisite funds, extend the contract and renew the terms of reference of his Special Representative until after the substantive recommendations on the study had been provided to the Council at the twenty-sixth session.

VIII. Other matters

35. On 9 July, the Commission and the Finance Committee held a joint meeting at which they were briefed on a report under the consideration of the Finance Committee on the equitable sharing of financial and other economic benefits from deep-seabed mining.

36. Owing to time constraints, other matters referred to the Commission by the Council were deferred to the following session, including issues related to the sponsorship by States of contracts for exploration in the Area, with particular attention to the testing of effective control; issues related to the monopolization of activities in the Area, taking into consideration, in particular, the concept of abuse of

a dominant position; the review of the provisions of the regulations on prospecting and exploration relating to the option of offering an equity interest in a joint-venture arrangement, with a view to aligning all regulations in that respect and to making a recommendation thereon for consideration by the Council at its following session; and issues associated with the conduct of marine scientific research in exploration areas.

Annex

Recommendations in relation to the development of standards and guidelines for activities in the Area

1. On 3, 4, 5 and 8 July, the Legal and Technical Commission considered the report of the workshop on the development of standards and guidelines for the mining code held in Pretoria in May 2019. The Commission commended the secretariat for the organization of the workshop and expressed its appreciation to the Government of South Africa and the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland for their support for the workshop. The Commission also thanked the participants, including the members of the drafting group, for their contribution to the discussion and the report.
2. On the basis of its discussion of the report of the workshop, in particular the recommendations contained in the executive summary, the Commission made the following recommendations for the Council to consider in respect of the development of standards and guidelines in relation to the draft regulations on exploitation of mineral resources in the Area.

A. Terminology

3. The Commission recommended that the “standards” and “guidelines” of the International Seabed Authority be understood and used in the manner suggested in draft regulations 94 and 95. The standards shall be adopted by the Council, be applied provisionally pending approval by the Assembly (see also para. 15 below) and be legally binding on member States, contractors and the Authority. The guidelines are recommendatory in nature and may be issued by either the Commission or the Secretary-General. The guidelines will be submitted to the Council, which may require their amendment or withdrawal.
4. It was further recommended that the standards of the Authority, which are mandatory, be distinguished from the general understanding of or references to mandatory or recommendatory international or other standards, as may be adopted by other competent international organizations or agencies, such as the International Standardization Organization, the International Maritime Organization and International Labour Organization. The extent to which such international or other standards are mandatory should be clearly stated in the relevant provisions of the regulations on exploitation or relevant standards.
5. With regard to the guidelines of the Authority, the Commission noted that some provisions of the draft regulations contain the phrase “in accordance with the Guidelines”, while other provisions use the term “taking account of”. The Commission recommended the adoption of consistent wording. Considering the recommendatory nature of guidelines, in accordance with the provisions of draft regulation 95, the Commission recommended that the term “taking account of” be used in the draft regulations.

B. Policy approaches to standards and guidelines

6. The Commission recommended that the regulatory framework, including standards and guidelines, be developed on the basis of an outcome-based approach to regulations, in particular in connection with environmental regulations, drawing on existing best practices in regulatory frameworks for other industries, such as the offshore oil and gas industry. An outcome-based approach provides for rigorous and

contractually binding outcomes, while affording flexibility in the processes used to achieve those outcomes. The Commission highlighted the importance of reviewing the standards and guidelines periodically, in the light of developments in knowledge and improved technology.

C. List of prioritized documents and methodologies for the development of those documents

7. The Commission reviewed the recommendations formulated at the workshop with respect to the phases of the development of standards and guidelines, as contained in annex III to the report of the workshop. The Commission recommended the adoption of the following three-phase approach to the development of standards and guidelines:

(a) **Phase 1.** Standards and guidelines deemed necessary to be in place by the time of adoption of the draft regulations on exploitation (expected in July 2020). It should be noted that, within this phase, there is a subcategory of items for which work will be initiated immediately but which may only be completed after July 2020, as indicated in enclosure I. This phase includes standards and guidelines that would be required to guide the initial consideration and development of an application of a plan of work for exploitation;

(b) **Phase 2.** Standards and guidelines deemed necessary to be in place prior to the receipt of an application of a plan of work for exploitation;

(c) **Phase 3.** Standards and guidelines deemed necessary to be in place before commercial mining activities commence in the Area.

8. During the present session, the Commission focused on the development of guidelines to be in place by July 2020 as a matter of priority. Nevertheless, the Commission acknowledged the fact that the Authority would be required to carry out a large amount of work to develop the standards and guidelines necessary for exploitation before the receipt of an application of a plan of work for exploitation (phase 2) and before commercial mining activities commence (phase 3).

9. The Commission focused on the list of prioritized standards and guidelines to be developed under phase 1 (as contained in annex III to the report of the workshop) and made changes, additions and deletions. The Commission recommended that six guidelines be developed during phase 1 as a matter of urgency and completed by July 2020. The Commission also recommended that work on three guidelines that were recognized as priority be initiated immediately and completed after July 2020, owing to a lack of data and information. A table containing the aforementioned recommendations is attached as enclosure I, including the considerations for developing the proposed guidelines. The Commission will address the development of standards and guidelines under phases 2 and 3 and revisit the list of standards and guidelines in due course.

10. In view of the heavy workload predicted in the development of guidelines in phase 1, the Commission recognized the benefit of setting up technical working groups in the process. Two technical working groups, led by members of the Commission and including an appropriate number of recognized experts in the field selected on the basis of article 165, paragraph 2 (e), of the Convention, are to be established in 2019 to support the development of several environmental guidelines. One technical working group will focus on the development of guidelines for environmental impact assessments and the preparation of an environmental impact statement, and guidelines for the preparation of environmental management and monitoring plans. Another technical working group will focus on the guidelines on

the expected scope and standard of baseline data collection, noting that the collection of baseline data has been adequately addressed in the Recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine materials in the Area (ISBA/25/LTC/6). The Commission requested that the secretariat prepare draft terms of reference for the two technical working groups for its endorsement by the Commission by the end of September 2019. The Commission recommended that other guidelines be developed under phase 1 and drafted by the secretariat or consultants commissioned by the secretariat, for consideration by the Commission.

11. The Commission noted that the development of guidelines, whether through technical working groups or consultants, would require the mobilization of resources, which should be coordinated by the secretariat. The Commission requested that the secretariat undertake a gap analysis of existing and relevant international or national standards and guidelines to determine which, if any, set useful precedents and which could be adapted to the needs of the Authority, and in which case new standards and guidelines should be developed in the context of exploitation activities in the Area. The gap analysis will be provided to the Commission and any technical working groups established by the Commission.

D. Development of environmental standards and guidelines

12. The Commission recognized the importance of developing environmental goals, objectives and principles to support the development of standards, guidelines and regional environmental management plans. It suggested that the secretariat, in conjunction with members of the Commission, prepare a draft of such goals, objectives and principles and provided them to technical working groups and participants in workshops on regional environmental management plans, for their consideration and guidance.

E. Process for development

13. The Commission recommended the adoption of the processes set out in enclosure II for the development of standards and guidelines.

14. The Commission recognized that a key principle in the development process would be transparency and inclusiveness. To that end, apart from the establishment of technical working groups, the recommended processes provide for stakeholder consultation and the provision of comments. In addition, under the rules of procedures of the Council and the Assembly, observers of the Authority are granted the opportunity to provide comments during subsequent Council and Assembly meetings.

15. The Commission further noted that standards would form part of the rules, regulations and procedures of the Authority under article 17 of annex III to the United Nations Convention of the Law on the Sea. Standards should therefore be adopted by the Council and applied provisionally pending approval by the Assembly. The Commission recommended that draft regulation 94 on the process for developing standards be amended accordingly.

Enclosure I**Development of guidelines under phase 1**

<i>No.</i>	<i>Title</i>	<i>Draft regulations</i>	<i>Rationale</i>
<i>Phase 1: Guidelines to be in place by July 2020</i>			
1.	Guidelines for the preparation and assessment of an application for the approval of a plan of work for exploitation	Draft regulations 7, 13-16 and 25 and annexes I-III	Needed to help to guide the development of consistent and comprehensive applications
2.	Guidelines for environmental impact assessments and the preparation of an environmental impact statement	Draft regulation 47 and annex IV	Needed to guide contractors on the nature, format and content of these processes and documents
3.	Guidelines for the preparation of environmental management and monitoring plans	Draft regulation 48 and annex VII	Needed to guide contractors on the nature, format and content of these processes and documents
4.	Guidelines for the development and application of environmental management systems	Draft regulation 46 and annex VII	Needed to guide contractors on the nature, format and content of these processes and documents
5.	Guidelines on tools and techniques for hazard identification and risk assessments	Not applicable	Needed to guide contractors on the nature, format and content of these processes and documents
6.	Guidelines for the safe management and operation of mining support vessels	Draft regulations 30 and 32	Needed to guide contractors on the nature, format and content of these processes and documents
<i>Phase 1: Guidelines to be initiated immediately and completed after July 2020</i>			
7.	Guidelines for the form and calculation of an environmental performance guarantee	Draft regulation 26	Needed to guide contractors on the nature, format and content of these processes and documents
8.	Guidelines on the expected scope and standard of baseline data collection	Annex IV	Needed to guide contractors on the nature, format and content of these processes and documents
9.	Guidelines for the preparation and implementation of emergency response and contingency plans	Draft regulations 33 and 53 and annex V	Needed to guide contractors on the nature, format and content of these processes and documents
<i>Guidelines only requiring amendments to the current definitions in the draft regulations on exploitation</i>			
10.	Guidelines for the application of good industry practice	Schedule "Use of terms and scope"	
11.	Guidelines on criteria for determining the date of commercial production	Schedule "Use of terms and scope"	
<i>Guidelines requiring that the secretariat advance certain studies before work on drafting the guidelines may commence</i>			
12.	Guidelines for insurance requirements under an exploitation contract and placing of insurance risk	Draft regulation 36	The secretariat is to undertake work to obtain more information

<i>No.</i>	<i>Title</i>	<i>Draft regulations</i>	<i>Rationale</i>
			and understand the current industry practice
13.	Guidelines for the application of health and safety management systems	Draft regulation 30, para. 6	The secretariat is to advance work on draft annex VI for the session to be held in March 2020. Once draft annex VI has been drafted, the need for further guidelines will be reviewed
<i>Guidelines to be moved to phase 2</i>			
14.	Guidelines for the application and assessment for use of an exploitation contract as security	Draft regulation 22	The current draft regulations provide for guidelines for the regulation of beneficiaries, which the Commission considers is not of the highest priority and is more appropriately placed in phase 2
15.	Guidelines for the process for modifying a plan of work and on the meaning of “material change”	Draft regulations 25 and 57	This guideline is likely to apply only after a plan of work has been approved
16.	Guidelines (generic) for a risk-based approach to the development and assessment of environmental thresholds and indicators	Annex VII	Not feasible owing to the complexity and inadequacies of information in this regard
<i>Guidelines to be deleted</i>			
17.	Guidelines for the application and assessment on the transfer of rights and obligations under an exploitation contract	Draft regulation 24	The Commission considers that the draft regulation is currently sufficient and that no guidelines are required at this point
18.	Guidelines for access to environmental data and information	Draft regulation 2, para. (e) (v)	The Commission was of the view that these guidelines could be incorporated into the data management strategy of the Authority
19.	Guidelines for procedures for stakeholder participation in activities in the Area	Draft regulations 2, para. (e) (vii), and 11, para. (1) (a)	The Commission felt that these guidelines could be incorporated into the communication strategy of the Authority

Enclosure II

Process for the development of standards and guidelines

Figure 1

Standards development process

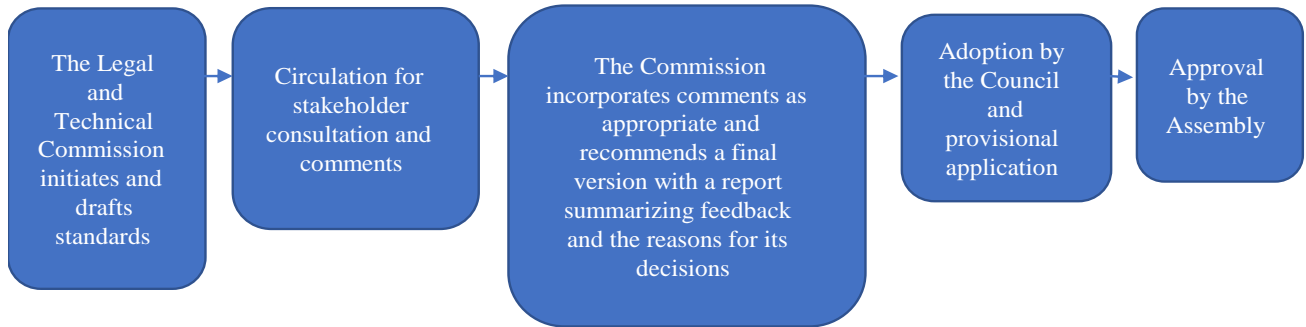


Figure II

Guidelines development process

