



Council

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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-third session

Decision to the Council of the International Seabed Authority relating to the report of the Chair of the Legal and Technical Commission

The Council of the International Seabed Authority,

Recalling its decision [ISBA/22/C/28](#),

- 1. Takes note with appreciation of the report of the Chair of the Legal and Technical Commission on the work of the Commission during the twenty-third session;¹*
- 2. Notes with appreciation the Commission's readiness to respond to the outcomes of the Assembly's consideration of the final report on the periodic review of the Authority pursuant to article 154 of the United Nations Convention on the Law of the Sea;²*
- 3. Welcomes the continued work of the secretariat and the Commission on the exploitation regulations, in particular the development of a single set of draft regulations dealing with exploitation, a mining inspectorate and environmental matters, and requests that work on the regulations continue as a matter of priority;*
- 4. Notes the development of a road map for the adoption and approval of the regulations, as set out in the annex to the report of the Chair of the Commission, while noting that the proposed timeline will be subject to the Assembly's consideration of the proposed revised schedule of meetings set out in annexes I and II to the report of the Secretary-General on the recommendations contained in the final report on the periodic review of the Authority;³*
- 5. Requests that both the Commission's recommendations regarding the current draft regulations and the next iteration of the draft regulations be circulated in sufficient time prior to the next meeting of the Council to allow for substantive*

¹ [ISBA/23/C/13](#).

² [ISBA/23/A/3](#).

³ [ISBA/23/A/5/Rev.1](#).



consideration and discussion, and emphasizes the need for openness and transparency;

6. *Requests* the Commission to consider, as appropriate, the submission by the Netherlands entitled “Development of environmentally responsible mining technologies: towards an approval process for mining equipment”,⁴ in the context of its work on the draft regulations;

7. *Acknowledges* that the contractors have implemented training programmes and allocated further training opportunities, and notes with satisfaction that the dedicated training officer provided for in the budget for the financial period 2017-2018 has been recruited and was in post as at 1 July 2017;

8. *Reiterates* the importance of appendix I, paragraph 1, of the decision contained in document [ISBA/21/C/19](#) relating to information to be contained in an application for extension of a contract for exploration;

9. *Notes* the substantive consideration given to a single application for extension of a contract for exploration, especially consideration of whether the contractor made efforts in good faith to comply with the requirements of the contract for exploration but, for reasons beyond the contractor’s control, was unable to complete the preparatory work necessary for proceeding to the exploitation stage, or if the prevailing economic conditions did not justify proceeding to the exploitation stage, in accordance with paragraph 9 of section 1 of the annex to the 1994 Agreement and [ISBA/21/C/19](#);

10. *Also notes* the substantive consideration given to a single application for approval of a plan of work for exploration;

11. *Notes with appreciation* the Commission’s consideration of 23 annual reports on activities carried out by contractors in 2016 and, in particular, the increase in the quality of the reports, along with the digital delivery of the requested data in Excel format, and notes with concern the identification of some cases of non-compliance with reporting requirements;

12. *Requests* that the Secretariat and/or the Commission provide further details on cases of non-compliance in circumstances in which the relevant contractor has not complied with a specific request in a letter received from the Secretary-General, including details regarding the relevant contractor, details with respect to repeated instances of non-compliance and recommendations to ensure compliance in the future, to enable the Council to discharge its functions under article 162(2) of the Convention;

13. *Urges* all contractors to comply with their reporting requirements and to make their environmental data readily and publicly available, noting that the Authority needs all contractors to collect samples consistently and to fully report environmental data to support the development of regional environmental management plans;

14. *Takes note* of the reports of the environmental workshop held in Berlin in March 2017 and of the payment regime workshop held in Singapore in April 2017;

15. *Notes* that a technical workshop on the criteria for the selection of impact reference zones and preservation reference zones will be held in Berlin from 27 to 29 September 2017 and that a second workshop, dedicated to the review of the status of implementation of the environmental management plan for the Clarion-Clipperton Zone, will be held during the first half of 2018, and encourages the

⁴ [ISBA/23/C/5](#).

secretariat to work closely with the Commission to ensure the broadest participation of all concerned States parties and other stakeholders;

16. *Encourages* the Secretariat and the Commission to make progress on the development of environmental management plans in other international seabed area zones, in particular where there are currently exploration contracts, recalling paragraph 60 of General Assembly resolution [70/235](#) of 23 December 2015;

17. *Welcomes* the secretariat's progress towards the implementation of the data management strategy of the Authority, and notes that it is anticipated that it will be fully implemented by the end of October 2018;

18. *Notes* that, owing to the heavy workload of the Commission and time constraints, the Commission was unable to discuss other matters referred to it by the Council, and requests the Secretary-General to ensure that adequate time and resources continue to be made available to support the work of the Commission, especially on priority issues, including monopolization, effective control and abuse of dominant positions;

19. *Welcomes* the report of the Secretary-General on the implementation of the decision of the Council in 2016 relating to the report of the Chair of the Commission,⁵ and notes that this is the first such report of the Secretary-General;

20. *Requests* the Secretary-General to update the Council on the implementation of the present decision at its twenty-fourth session, in 2018, and that such an annual update remain on the Council's agenda as a standing item.

*230th meeting
14 August 2017*

⁵ [ISBA/23/C/8](#).