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Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters

Laws, regulations and administrative measures adopted by sponsoring States and other members of the International Seabed Authority with respect to the activities in the Area

Report of the Secretary-General

1. At the seventeenth session of the International Seabed Authority, in 2011, the Council of the Authority adopted a decision in which it requested the Secretary-General to prepare a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area, and invited sponsoring States and other members of the Authority, as appropriate, to provide information on, or the texts of, relevant national laws, regulations and administrative measures to the secretariat (see [ISBA/17/C/20](#)).
2. At the eighteenth session of the Authority, in 2012, in response to that request, the Secretary-General submitted to the Council a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area ([ISBA/18/C/8](#) and Add.1). After consideration of the report, the Council requested the Secretary-General to update, on an annual basis, the study of the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to activities in the Area, and to invite, for that purpose, sponsoring States and other members of the Authority to provide the texts of relevant national laws, regulations and administrative measures to the secretariat (see [ISBA/18/C/21](#)).
3. At the nineteenth, twentieth, twenty-first and twenty-second sessions of the Authority, in 2013, 2014, 2015 and 2016, respectively, the Secretary-General submitted to the Council updated reports on the matter ([ISBA/19/C/12](#), [ISBA/20/C/11](#) and Add.1, [ISBA/21/C/7](#) and [ISBA/22/C/8](#)). In addition, the secretariat established an online database of the information on, and the texts of, national laws, regulations and administrative measures that sponsoring States and other members of the Authority had submitted.

* [ISBA/23/C/L.1](#).



4. In early 2017, the secretariat circulated a note verbale further inviting sponsoring States and other members of the Authority to submit to the secretariat the texts of relevant national laws, regulations and administrative measures or related information. France, Kiribati and Nauru submitted the texts of their national legislation on 21 February, 19 April and 18 May 2017, respectively, and Georgia submitted its relevant information to the secretariat on 3 May 2017.

5. As at 31 May 2017, the following States had provided information on, or the texts of, relevant national legislation: Belgium, China, the Cook Islands, Cuba, Czechia, the Dominican Republic, Fiji, France, Georgia, Germany, Guyana, India, Japan, Kiribati, Mexico, Nauru, the Netherlands, New Zealand, Nigeria, Niue, Oman, the Republic of Korea, Singapore, Tonga, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia. Submissions had also been received from the Pacific Community. A list of national legislation and related information is annexed to the present report. Further information on, and the texts of, national laws, regulations and administrative measures submitted by the above-mentioned members of the Authority are available from the Authority's website (www.isa.org.jm/national-legislation-database). The secretariat will continue to update the online database as new information is received.

6. The Council is invited to take note of the present report.

Annex

Legislation and information submitted by States and regional organizations

I. General

United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982. Entered into force on 16 November 1994. United Nations *Treaty Series*, vol. 1833, No. 31363, p. 397; 21 *International Legal Materials* 1261 (1982).

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. Entered into force on 28 July 1994. General Assembly resolution [48/263](#); 33 *International Legal Materials* 1309 (1994); United Nations *Treaty Series*, vol. 1836, No. 31364, p. 42.

Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Adopted on 13 July 2000 ([ISBA/6/A/18](#), annex, dated 4 October 2000), amended in 2013 ([ISBA/19/C/17](#), annex, dated 22 July 2013) and further amended in 2014 ([ISBA/20/A/9](#), annex, dated 24 July 2014).

Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area. Adopted on 7 May 2010 ([ISBA/16/A/12/Rev.1](#), annex, dated 15 November 2010) and amended in 2014 ([ISBA/20/A/10](#), annex, dated 24 July 2014).

Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area. Adopted on 27 July 2012 ([ISBA/18/A/11](#), annex, dated 22 October 2012).

II. National legislation of member States

Belgium

Act introducing provisions regulating the matters covered by article 77 of the Constitution into the Act of 17 August 2013, on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction, adopted on 30 July 2013.

Act on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction, adopted on 17 August 2013.

China

Mineral Resources Law of the People's Republic of China. Adopted at the fifteenth meeting of the Standing Committee of the Sixth National People's Congress on 19 March 1986. Revised in accordance with the Decision of the Standing Committee of the National People's Congress on Revising the Mineral Resources Law of the People's Republic of China, adopted at the twenty-first meeting of the Standing Committee of the Eighth National People's Congress on 29 August 1996.

Rules for Implementation of the Mineral Resources Law of the People's Republic of China. Promulgated by Decree No. 152 of the State Council of the People's Republic of China on 26 March 1994. Effective as of the date of promulgation.

Marine Environmental Protection Law of the People's Republic of China. Adopted at the twenty-fourth meeting of the Standing Committee of the Fifth National People's Congress on 23 August 1982. Effective as of 1 March 1983. Revised at the

thirteenth meeting of the Standing Committee of the Ninth National People's Congress on 25 December 1999 and further revised at the sixth meeting of the Standing Committee of the Twelfth National People's Congress on 28 December 2013.

Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering Construction Projects. Adopted at the 148th executive meeting of the State Council on 30 August 2006. In force as from 1 November 2006.

Law of the People's Republic of China on Exploration for and Exploitation of Resources in the Deep Seabed Area, adopted on 26 February 2016 and effective as from 1 May 2016.

Cook Islands

Seabed Minerals Act, 2009.

Model Seabed Minerals Agreement of April 2011.

Cuba

Mining Law, in force since 23 January 1995.

Decree No. 222 of 19 September 1997.

Czechia

Act No. 158/2000 of 18 May 2000 on Prospecting, Exploration for and Exploitation of Mineral Resources from the Seabed beyond the Limits of National Jurisdiction.

Dominican Republic

Note No. 001348 dated 4 May 2016 from the Ministry of the Environment and Natural Resources.

Note No. EDR-MN/16-16 dated 21 July 2016 from the Embassy of the Dominican Republic in Jamaica.

Fiji

International Seabed Mineral Management Decree, 2013 (Decree No. 21).

France

Note verbale dated 22 March 2013 from the Embassy of France in Jamaica.

Note verbale dated 21 February 2017 from the Embassy of France in Jamaica.

Ordinance No. 2016-1687 of 8 December 2016 relating to the maritime areas under the sovereignty or jurisdiction of the Republic of France.

Georgia

Note verbale dated 3 May 2017 from the Permanent Mission of Georgia to the United Nations.

Germany

Seabed Mining Act of 6 June 1995. Amended by article 74 of the Act of 8 December 2010.

Guyana

Maritime Zones Act, 2010 (Act No. 18 of 2010). In force as from 18 September 2010.

India

Offshore Areas Mineral (Development and Regulation) Act, 2002.

Japan

Law on Interim Measures for Deep Seabed Mining, 1982.

Mining Act. Adopted on 20 December 1950 and amended on 22 July 2011.

Kiribati

Seabed Minerals Bill, 2016.

Mexico

Report on the laws, regulations and administrative measures of Mexico on underwater mining. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

Guide for the presentation of environmental impact statements for the mining sector and analysis of gaps and omissions in the conservation of marine biodiversity in Mexican oceans, coasts and islands of the Ministry of the Environment and Natural Resources of Mexico. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

General Law on Ecological Balance and the Protection of the Environment, 28 January 1988. Amended on 4 June 2012.

Regulations of the General Law on Ecological Balance and the Protection of the Environment on Environmental Impact Assessment, 30 May 2000. Amended on 26 April 2012.

Mining Law, 26 June 1992. Amended on 28 April 2005.

National environmental policy for the sustainable development of Mexico's oceans and coasts: strategies for their conservation and sustainable use (see [A/61/372](#), annex).

Nauru

International Seabed Minerals Act, 2015.

Netherlands

Note verbale dated 26 March 2013 from the Permanent Mission of the Netherlands to the United Nations.

New Zealand

United Nations Convention on the Law of the Sea Act, 1996.

Continental Shelf Act, 1964.

Nigeria

Nigerian Minerals and Mining Act, 2007.

Nigerian Minerals and Mining Regulations, 2011.

Niue

Maritime Zones Act, 2013.

Oman

Oil and Gas Law, promulgated by Royal Decree No. 8/2011.

Mining Law, promulgated by Royal Decree No. 27/2003.

Ministerial Decree No. 77/2011 regulating mineral exploration (regulations of the Mining Law).

Republic of Korea

Note verbale dated 2 April 2013 from the Permanent Mission of the Republic of Korea transmitting a report on the status of legislation related to deep seabed activity by the Government of the Republic of Korea.

Singapore

Deep Seabed Mining Act, 2015.

Tonga

Tonga Seabed Minerals Act, 2014.

Note verbale dated 22 August 2016 from the Permanent Mission of Tonga to the United Nations.

United Kingdom of Great Britain and Northern Ireland

Deep Sea Mining (Temporary Provisions) Act, 1981, as amended by the Deep Sea Mining Act, 2014, which entered into force on 14 July 2014.

Zambia

Environmental Protection and Pollution Control Act, 1990 (No. 12 of 1990), as amended by the Environmental Protection and Pollution Control (Amendment) Act, 1999 (No. 12 of 1999) (Cap. 204 of the Law of Zambia).

III. National legislation of observer States

United States of America

Deep Seabed Hard Mineral Resources Act, 1980. Adopted on 28 June 1980 and amended on 1 July 2000.

Deep Seabed Mining Regulations Affecting Pre-enactment Explorers, 20 November 1980.

Deep Seabed Mining Regulations for Exploration Licenses, 1980 (15 September 1981).

Deep Seabed Mining Regulations for Commercial Recovery Permits, 6 January 1989.

Guidelines for Obtaining Minerals other than Oil, Gas and Sulphur on the Outer Continental Shelf, report by the United States Department of the Interior, Minerals Management Service, December 1999 (Public Law 103-426, enacted on 31 October 1994).

IV. Information provided by regional organizations

Pacific Community

Pacific-ACP States Regional Legislative and Regulatory Framework for Deep Sea Minerals Exploration and Exploitation, Secretariat of the Pacific Community, Suva, 2012.

Pacific-ACP States Regional Environmental Management Framework for Deep Sea Minerals Exploration and Exploitation, Pacific Community, Suva, 2016.

Pacific-ACP States Regional Financial Framework for Deep Sea Minerals Exploration and Exploitation, Pacific Community, Suva, 2016.

Pacific-ACP States Regional Scientific Research Guidelines for Deep Sea Minerals, Pacific Community, Suva, 2016.

V. Legislation of reciprocating States

France. Law on the Exploration and Exploitation of Mineral Resources in the Deep Seabed 1981, Law No. 81-1135 of 23 December 1981.

Germany. Act on Interim Regulation of Deep Seabed Mining 1980, dated 16 August 1980 (English translation) (1981). *International Legal Materials*, XX, p. 393.

Italy. Regulations on the Exploration and Exploitation of the Mineral Resources of the Deep Seabed, Law No. 41 of 20 February 1985.

Japan. Law on Interim Measures for Deep Seabed Mining, 1982. *International Legal Materials*, 22 (1) (1983), pp. 102-122.

New Zealand. Continental Shelf Act, 1964.

Union of Soviet Socialist Republics. [Edict on] Provisional Measures to Regulate the Activity of Soviet Enterprises relating to the Exploration and Exploitation of Mineral Resources of Sea-bed Areas beyond the Limits of the Continental Shelf, 17 April 1982.

United Kingdom. Deep Sea Mining (Temporary Provisions) Act, 1981, chapter 53. Effective as from 28 July 1981.

United Kingdom. Deep Sea Mining (Exploration Licences) (Applications) Regulations, 1982, No. 58. Effective as from 25 January 1982.

United Kingdom. Deep Sea Mining (Exploration Licences) Regulations, 1984, No. 1230. Effective as from 3 September 1984.

United States. Deep Seabed Hard Mineral Resources Act, 1980. Public Law 96-283, 28 June 1980, as amended on 1 July 2000.