

ISBA/26/A/8

**Annex II: Status of implementation by the Council of the relevant high-level actions and associated outputs
for the reporting period 2019-2020**

No. High-level action	Outputs for 2019-2020			
	Description	Responsibility of the Council	Status ¹	Comments
Strategic direction 1: realize the role of the Authority in a global context				
1.4.1 Actively engage with members to achieve the effective and uniform implementation of relevant legal instruments through State practice	(iii) Report on the status of national legislation relating to deep seabed mining and related matters	Organ responsible	Ongoing	(See ISBA/25/C/17/add.1; ISBA/25/C/24; ISBA/26/C/19)
1.5.1 Promote and strengthen dialogue among States, relevant international organizations and stakeholders to foster the use of practical tools for mutual “reasonable regard” in order to accommodate activities in the Area and other activities in the marine environment.	Develop practical tools to facilitate the implementation of “reasonable regard”	Associated organ	In progress	No concrete output has been developed by the Council against this item.

¹ The different status used to assess the progress of each high-level actions and/or associated outputs are regrouped in three categories, namely: (i) “completed”, (ii) “in progress”, and (iii) “on hold”. In order to reflect the different status of completion, particularly the fact that some outputs are recurring, two different sub-categories of progress status have been identified. One relates to the “ongoing” nature of some outputs, understood as requiring ongoing attention and adjustment. The other one relates to the fact that in some cases, because the output is to be reported against a specific reporting period or action, the status of completion is “achieved”.

Strategic direction 2: strengthen the regulatory framework for activities in the Area				
2.1.1 Promote the development of rules, regulations and procedures covering all phases of deep sea mining activities	(i) Facilitate the review of inputs from the Council and comments from stakeholders on the draft regulations on exploitation	Organ responsible	Ongoing	(See ISBA/26/C/2; ISBA/26/C/CRP.1; ISBA/26/C/13, para.15).
	(ii) Facilitate consultation on and a review of available options to be taken into consideration for deciding on the financial model	Associated organ	Ongoing	<p>1) The 3rd meeting of the open-ended informal working group (OEWG) on the financial terms of a contract was held in February 2020. The outcomes of the OEWG were reported to the Council (ISBA/26/C/8) which decided that a fourth meeting would be convened prior to the next meeting of the Council in order to further advance work on the payment mechanism for polymetallic nodules as a priority.</p> <p>2) The Council also invited all stakeholders to submit comments to the secretariat by 23 March 2020, for the purpose of further refining the assumptions of the model. The Council requested a report in order to refine further the two-stage fixed ad valorem royalty mechanism and the two-stage progressive ad valorem royalty mechanism, including taking into account any comments submitted by stakeholders by 23 March.</p> <p>3) The Council also requested a comparative study of seabed mining and land-based mining (ISBA/26/C/13).</p>
	(iii) Review a possible operating framework for the review, development and integration of standards and guidelines	Associated organ	In progress	(1) Four virtual meetings for the two LTC-led Technical Working Group to develop environmental standards and guidelines were organized.

				(2) The LTC in its work on standards and guidelines associated with the draft exploitation regulations considered 4 technical studies and papers and a set of 5 drafts standards and guidelines at the first part of the 26 th session, held in February/March 2020.
	(iv) Submit revised draft regulations on exploitation for consideration by the Council	Associated organ	Ongoing	Based on a scoping study on the interface of the competencies of ISA and ILO and the application of international labour instruments to activities in the Area prepared by the secretariat with the assistance of a consultant, a draft health and safety plan and a draft maritime security plan, was adopted by the LTC with some amendments during the first part of the 26 th session and included in a draft of annex VI to the draft regulations for the Council's consideration (ISBA/26/C/17).
2.1.2 Monitor and keep under review rules, regulations and procedures to ensure that they are consistent with the policies, objectives, criteria, principles and provisions set out in the Convention and the 1994 Agreement	(i) Review and report on cases of non compliance by contractors	Associated organ	Ongoing	The Council considered this issue in the context of the implementation of the decision of the Council in 2019 relating to the reports of the Chair of the LTC. The Council took note of the report by the Secretary- General (ISBA/26/C/3) as well as the reports of the Chair of the LTC (ISBA/25/C/37) during part I of the 26 th session.
	(ii) Recommend measures to promote the compliance of contractors in future	Organ responsible	Ongoing	(See ISBA/25/C/17, para.6 ; 1 ISBA/26/C/3, paras.21 to 23).
2.2.1 Keep under review rules, regulations and procedures governing mineral exploitation to	No output against this action	Organ responsible	Ongoing	During the 25 th session and part I of the 26 th session, the Council continued its consideration in an informal setting of the

ensure that they incorporate good industry practice and best practices for environmentally responsible management, in order to promote investment on a level playing field, and that the terms used are clear and consistent				draft exploitation regulations as a matter of a priority (ISBA/25/C/17, para.8-9; ISBA/26/C/13, para.15).
2.3.2 Ensure that rules, regulations and procedures governing mineral exploitation reflect the establishment of an adaptive management system	No output against this action	Associated organ	Ongoing	The Council is in the process of negotiating the draft exploitation regulations (ISBA/25/C/CRP.1 ; ISBA/26/C/2).
2.6.1 Identify the potential impact of mineral production from the Area on the economies of developing land-based producers and the development of possible criteria for economic assistance	Conduct a study on the potential impact of mineral production from the Area on the economies of developing land-based producers	Associated organ	Achieved	A draft study was submitted to the LTC (ISBA/26/C/12). The report has been finalized and an advance unedited version made publicly available on ISA website in May 2020.
Strategic direction 3: protect the marine environment				
3.1.1 Develop the regulatory framework for the protection of the marine environment from harmful effects which may arise from activities in the Area	(i) Review the application of the precautionary approach to activities in the Area	Organ responsible	Achieved	(See ISBA/25/C/8 ; ISBA/25/C/12, para.31 to 37)
	(ii) Develop guidance for contractors on the establishment of impact and preservation reference zones	Associated organ	Achieved	The workshop organized by ISA on the “Design of Impact Reference Zones and Preservation Reference Zones in the Area” in Berlin, Germany, in September 2017, led to the development of a technical study (ISA

				Technical Study No. 21) and a briefing paper (Briefing paper 02/2018). The outcomes of this workshop were also considered by the LTC in its revision of Recommendations ISBA/19/LTC/8 (now issued as ISBA/25/LTC/6/Rev.1).
	(iii) Consider an outline inspection mechanism, including for the appointment of inspectors	Organ responsible	In progress	During the 25 th Session, the Council took note of the note prepared by the Secretariat on that matter (ISBA/25/C/5). During part I of the 26 th session, the Council discussed a working method to advance the consideration of the draft regulations. The Council established three informal working groups on thematic issues, each to be held by a facilitator (ISBA/25/C/17, para.44-49; ISBA/26/C/13, para.22)
3.1.2 Implement the regulatory framework for the protection of the marine environment from harmful effects which may arise from activities in the Area	Develop a mechanism and procedure for the independent review of environmental plans and performance assessments under the draft regulations on exploitation	Organ responsible	In progress	At its 25 th session, the Council took note of the note prepared by the Secretariat on that particular matter (ISBA/25/C/10). The Council also considered a working paper with the draft exploitation regulations (ISBA/25/C/WP.1). In resuming its consideration of the draft exploitation regulations at part I of the 26 th session, the Council also had before it a note by the secretariat on the comments made by members, observers and stakeholders on the draft regulations, which provides a broad overview of the main issues raised in the written submissions and an overview of general points arising from specific regulatory provisions (ISBA/26/C/2 ;

				ISBA/26/C/13).
3.1.3 Keep under review the regulatory framework for the protection of the marine environment from harmful effects which may arise from activities in the Area	Review annual reports submitted by contractors	Organ responsible	Ongoing	At the 25 th session, the Council took note of the report of the Secretary-General on the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration (ISBA/25/C/9 ; ISBA/25/C/17, para.6). In addition, during part I of the 26 th session, the Council took note (ISBA/26/C/13) of the reports by the Secretary-General on the Implementation of the decision of the Council in 2019 relating to the reports of the Chair of the Commission (ISBA/26/C/3) and on the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration (ISBA/26/C/4).
3.1.4 Keep under review best environmental practices and monitor developments in best available techniques	No output against this action	Organ responsible	Ongoing	At part I of the 25 th Session, the council took note of a note prepared by the Secretariat on key terms, distinguishing the use of good industry practice and best practices under the draft exploitation regulations (ISBA/25/C/11). The Council agreed that regarding the definitions, use and relationship of key terms, such as “good industry practice”, “best environmental practice” and “best available techniques”, it was necessary for the regulations to reflect their evolutionary character (ISBA/25/C/17, para.20). During part II of the 25 th session, the Council considered a working paper with the text of

				the draft regulations (ISBA/25/C/WP.1)
3.2.1 Develop regional environmental assessments and management plans for all mineral provinces in the Area where exploration or exploitation is taking place	(i) Implementation of the Authority's strategy for the development of regional environmental management plans	Organ responsible	In progress	At part I of the 25 th session, the Council took note of a report from the Secretary-General on that matter (ISBA/25/C/13). Following the organization of two workshops in October and November 2019 (workshop on "Deep CCZ biodiversity synthesis" and workshop for the development of a REMP in the northern Mid Atlantic Ridge), the outcomes of the workshop were presented and discussed by the LTC during part I of the 26 th session (ISBA/26/LTC/2 ; ISBA/26/C/12).
	(ii) Develop and implement a standardized approach for the design and development of regional environmental management plans	Associated organ	In progress	In February 2020, following further discussions in an informal setting, the Council adopted a decision concerning a standardized approach for the development, approval and review of regional environmental management plans in the Area (ISBA/26/C/10). The Council also requested the LTC, in consultation with the FC if necessary, to further develop the guidance to facilitate the development of regional environmental management plans, in accordance with UNCLOS, the 1194 Agreement and the rules, regulations and procedures of ISA, and taking into account, as appropriate, the two proposals (ISBA/26/C/6 and ISBA/26/C/7), with a view to recommending to the Council a standardized approach, including a template with indicative elements. The Council also requested the LTC to report on the progress made in its work on this issue at the next

				meeting of the Council, in July 2020 (ISBA/26/C/13, para.26).
	(iii) Report on progress with the implementation of the Authority's programme for regional environmental management plans	Associated organ	In progress	Progress are reflected in the report of the Chair of the LTC on the work of the LTC for the 25 th session (ISBA/25/C/19, para.20 to 23 ; ISBA/25/C/19/Add.1, para.28 to 30) and the 26 th session (ISBA/26/C/12. para.31 to 34)
	(iv) Prepare regional environmental assessments compiling relevant scientific information in support of the development of regional environmental management plans	Associated organ	In progress	(See 3.2.1(ii) & (iii))
3.2.3 Keep under review the implementation of the regional environmental management plans, including with regard to the challenges and constraints identified therein, for all mineral provinces in the Area where exploration or exploitation is taking or will take place	(iii) Review the effectiveness of existing areas of particular environmental interest and consider the designation of additional areas	Associated organ	In progress	The workshop on "Deep CCZ biodiversity synthesis" for the review of the CCZ-EMP was organized in October 2019 by ISA in partnership with the Deep Clarion-Clipperton Zone project and the financial support of the Gordon & Betty Moore Foundation, the Pew Charitable Trust and the University of Hawaii (Oct 2019). The outcomes of the workshop were discussed at the first part of the 26 th session of the LTC (ISBA/26/LTC/2). Further work will be carried out by the LTC during the intersessional period (between March to July 2020) on the placement and configuration of additional areas of particular environmental interest (ISBA/26/C/12, para.31-33)

3.2.4 Encourage and facilitate strategic partnerships to support the work of the Authority in developing, implementing and keeping under review regional environmental assessment and management plans	No output against this action	Associated organ	In progress	(See ISBA/25/C/17, para.7 ; ISBA/26/C/13, para.25-26)
3.3.2 Encourage participation by stakeholders in the development and review of the regulatory framework adopted for the protection of the marine environment	(i) Develop procedures and mechanisms to facilitate the consultation of stakeholders	Associated organ (in partnership with LTC)	In progress	The Council regularly invited stakeholders to provide comments on the draft exploitation regulations which were taken into consideration at the 25 th session and during part I of the 26 th session (ISBA/25/C/17, para.8 ; ISBA/26/C/13, para.15).
3.4.1 Establish robust monitoring programmes and methodologies to assess the potential risks that activities in the Area interfere with the ecological balance of the marine environment	(i) Develop recommendations for the guidance of contractors for testing mining components or other activities requiring an environmental impact assessment during exploration	Associated organ	Achieved	(See ISBA/25/19, para.16-19 ; ISBA/25/C/17/add.1)
	(ii) Develop recommendations for the guidance of contractors on the process to be followed for conducting an environmental impact assessment of a mining test	Associated organ	Achieved	The Council has taken note of the work of the LTC in reviewing the Recommendations for the guidance of contractors for the assessment of the possible environment impacts arising from exploration for marine minerals in the Area (ISBA/25/C/17/Add.1 and ISBA/25/C/37).
3.4.2 Keep under review the adequacy of the monitoring programmes and methodologies	(i) Review environmental impact assessments for testing collector components in the exploitation areas	Associated organ	Achieved	The Council has taken note of the work of the LTC in reviewing the Recommendations for the guidance of contractors for the assessment of the possible environment impacts arising from exploration for marine minerals in the

				Area (ISBA/25/C/17/Add.1 and ISBA/25/C/37).
3.4.3 Encourage and facilitate strategic partnerships to support the work of the Authority in developing robust monitoring programmes and methodologies	No output against this action	Associated organ	In progress	The secretariat has initiated planning of a workshop on marine scientific research in the Area in collaboration with COMRA. It is envisaged that this workshop will contribute to establishing mechanisms for collaboration among and between contractors, as well as with the scientific community with a view to support the development of monitoring programmes.
3.5.2 Keep under review regulations, procedures, monitoring programmes and methodologies to prevent, reduce and control pollution and other hazards to the marine environment, as well as interference with the ecological balance of that environment; to prevent damage to the flora and fauna of the marine environment	No output against this action	Associated organ	Ongoing	The Council has taken note of the work of the LTC in reviewing the Recommendations for the guidance of contractors for the assessment of the possible environment impacts arising from exploration for marine minerals in the Area (ISBA/25/C/17/Add.1 and ISBA/25/C/37).
3.5.4 Encourage and facilitate strategic partnerships to support the work of the Authority in developing regulations, procedures, monitoring programmes and methodologies	No output against this action	Associated organ	Ongoing	Under the framework of the MoU between WMU and ISA, WMU provided technical cooperation to prepare a draft health and safety plan and maritime security plan to be incorporated as Annex VI to the draft regulations.

Strategic direction 4: promote and encourage marine scientific research in the Area				
4.1.1 Actively promote and encourage the conduct of marine scientific research with respect to activities in the Area	Build collaborative initiatives to strengthen marine scientific research infrastructure in the Area	Associated organ (in partnership with the Secretariat)	In progress	The Secretariat is currently developing different initiatives to deliver against this action including to strengthen deep sea taxonomic knowledge standardization and sharing. It is envisaged that further information will be brought to the attention of the Council in due course.
4.3.1 Establish and enhance partnerships for improved sharing of data and information	Integrate non-confidential environmental information with the Ocean Biogeographic Information System of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization	Organ responsible	In progress	Due to the unavailability of OBIS team, and competing priorities of the secretariat, the delivery of this output had to be delayed. Nevertheless, technical steps have been taken by the Secretariat to start sharing biodiversity data with OBIS and a pilot testing is currently being implemented.
Strategic direction 5: build capacity for developing States				
5.4.2 Facilitate the adjustment of contractor training programmes to meet the needs of developing States	(ii) Develop cost-effective measures to improve the delivery of the contractors' training programmes	Associated organ	In progress	The secretariat has initiated conversations with the training sub-group of the LTC on this matter. Any developments will be brought to the attention of the Council in due course.
Strategic direction 6: ensure fully integrated participation by developing States				
6.3.2 Actively promote partnerships with Governments, contractors and international organizations to maintain and	(i) Facilitate the selection of qualified candidates for training programmes under plans of work	Coordinating organ	Ongoing	The Council welcomed the training programmes and opportunities offered by contractors, pursuant to their contracts for

develop training opportunities for personnel from developing States				exploration with ISA (ISBA/25/LTC/37).
6.5.1 Identify possible approaches to the independent operation of the Enterprise, including procedures and criteria for joint venture operations	(ii) Commission a report from the designated Special Representative of the Secretary-General for the Enterprise on the proposal by the Government of Poland for a joint venture with the Enterprise	Associated organ	In progress	The Council noted that the LTC has conducted a preliminary discussion of the study on issues related to the operationalization of the Enterprise (ISBA/25/LTC/37).
	(iii) Facilitate the development of a business proposal to facilitate the operation of a joint venture	Organ responsible	In progress	The Council expressed its appreciation for the report presented by the Special Representative of the Secretary-General for the Enterprise (ISBA/25/C/26) and took note of it (ISBA/25/C/17/Add.1).
	(iv) Establish a voluntary trust fund for the purpose of providing the funds necessary for the work of the Special Representative of the Secretary-General for the Enterprise	Associated organ	Achieved	The Secretariat prepared the terms of reference for the fund for the consideration by the FC at its 25 th session (ISBA/25/FC/6, para.12-13 and annex). The fund was established on 1 March 2019. A report on the status of the Fund will be presented to the FC at part II of the 26 th session (ISBA/26/FC/2).
Strategic direction 7: ensure equitable sharing of financial and other economic benefits				
Strategic direction 8: improve the organizational performance of the Authority				
8.1.1 Identify opportunities to strengthen management culture, reduce risk and introduce best practices through the planning, development and implementation of organizational reforms	(vii) Report the exact cost for supervising and administering the contracts for exploration	Associated organ	Ongoing	In 2018, the FC requested the Secretariat to establish a more accurate methodology benefiting from the ongoing implementation of IPSAS in the accounting of the secretariat and to report by the 26 th session the exact costs for the supervision and administration of the contracts for exploration (ISBA/24/A/6–ISBA/24/C/19, para.22-25). A

				revised methodology for annual overhead charges has been developed by the Secretariat and will be submitted to the FC for consideration at the 26 th session (ISBA/26/FC/3).
8.1.5 Develop, implement, enhance, support and manage information systems and standard operating procedures in support of a knowledge- and information-based organization	(ii) Endorse a proposal for the development, maintenance and enhancement of the communications and information technology services (e.g., secured access and website)	Organ responsible	Achieved	No budget has been allocated in the proposal for 2021-2022 for this specifically. However, some funding has been identified to ensure maintenance and address the main requirement of CITS (ISBA/26/A/5-ISBA/26/C/18).
8.2.2 Implement and keep under review working methods and processes of the organs of the Authority	(iv) Review the financial rules and regulations, as needed	Organ responsible (in partnership with the Assembly)	Ongoing	No amendment has been identified as necessary for the reporting period.
8.3.1 Adopt, implement and keep under review measures for the effective, efficient and transparent utilization and management of the Authority's resources	(ii) Ensure the timely submission of financial reports	Coordinating Organ (in partnership with the Assembly)	Ongoing	An enterprise resource management system has been implemented within the secretariat in January 2020. This new system will ensure transparent and timely recording of the financial transactions as per prevailing ISA financial rules and regulations. As a result, it will be possible to produce a variety of financial reports all IPSAS compatible
	(iii) Report on the status of the various voluntary trust funds	Coordinating Organ (in partnership with the Assembly)	Ongoing	(See ISBA/25/FC/6; ISBA/26/FC/2.

	(v) Issue a report, with recommendations, of the Finance Committee	Associated organ	Ongoing	(See ISBA/25/C/31)
8.4.2 Undertake regular assessment of long-term options for financing the Authority's operations	Report on potential long-term options for financing the Authority's operations	Associated organ	In progress	Preliminary work has been undertaken by the Secretariat and it is envisaged that this report will be finalised by the end of 2020. Accordingly, further information will be brought to the attention of the Council in due course.
Strategic direction 9: Commit to transparency				
9.2.1 Promote and enhance the availability of, and access to, non-confidential information and, in particular, consider a wider dissemination of information, analyses and decisions relating to the work of the Authority, especially through the Authority's database	(i) Explore with contractors the possibility for making contracts for exploration and associated programmes of activities publicly available	Organ responsible	In progress	The Council took note of the information provided by the Secretariat on issues relating to the transparency of contracts during part I of the 26 th session (See ISBA/26/C/3 and ISBA/26/C/13).
9.3.2 Develop clear, open and cost-effective working practices and procedures to ensure that the chain of responsibility and accountability is properly managed in the development, implementation and enforcement of technical, environmental, operational, scientific and safety regulations and standards for activities in the Area	(ii) Report on the status of contracts for exploration and related matters, including information on the periodic review of the implementation of approved plans of work for exploration	Organ responsible	Ongoing	(See ISBA/25/C/9 and ISBA/25/LTC/37; ISBA/26LTC/3 and ISBA/26/C/4)

	(iii) Encourage contractors to provide detailed programmes of activities for five-year periods that include clear objectives	Organ responsible	Ongoing	The Council took note of the report of the Chair of the LTC on the work of the Commission (See ISBA/25/LTC/19 and ISBA/25/LTC/19/Add.1).
	(vi) Report on the outcomes of the contractors' meetings.	Associated organ	On going	(See ISBA/26/C/3)
9.3.3 Keep under review the effectiveness of working practices and procedures	No output against this action	Associated organ	Ongoing	Since 2017, emphasis has been placed on improving the delivery of programmes by ISA through optimization of performance at all levels (ISBA/ST/AI/2017/3 ; ISBA/ST/AI/2018/1).
9.4.2 Actively engage relevant stakeholders in the work of the Authority, as appropriate	(ii) Facilitate the consultation of relevant stakeholders in the development of the draft regulations on exploitation	Associated organ	On going	The Secretariat called for comments to the Refining assumptions of the Financial model with deadline by 23 March 2020. The Secretariat invited written comments on the draft regulations on exploitation of mineral resources in the Area (see ISBA/25/C/WP.1) and received 39 submissions of comments on the draft regulations. (ISBA/26/C/2).
	(iii) Consider the implications of holding open meetings for the Legal and Technical Commission and how such meetings could be structured to facilitate meaningful input and exchanges in specific subjects	Associated organ	Achieved	(See ISBA/25/C/19, para. 26).