



Council

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English only

Twenty-ninth session
Council session, part II
Kingston, 15-26 July 2024

Statement of the President on the work of the Council of the International Seabed Authority during the second part of the twenty-ninth session

Addendum

I. Resumption of the session

1. The second part of the twenty-ninth session of the Council was held from 15 to 26 July 2024. The Council held six plenary meetings (319th to 324th meetings) and fourteen informal meetings.

II. Report of the Secretary-General on the credentials of members of the Council

2. At the 321st meeting, on 25 July 2024, the Secretary-General reported that, as at that date, 35 members of the Council were formally accredited or information concerning the appointment of their representatives had been communicated through facsimile or in the form of initialled notes verbales from ministries, embassies, permanent missions to the United Nations, permanent missions to the International Seabed Authority, and other government offices or authorities.

III. Status of contracts for exploration and related matters

3. At the 323rd meeting, on 26 July 2024, the Council took note on the following reports of the relinquishment of areas under contracts for exploration: report on the relinquishment of 50 per cent of the area allocated to the Federal Institute for Geosciences and Natural Resources (BGR)¹; report on the relinquishment of two thirds of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA)²; and report on the relinquishment of two thirds of the area allocated to the Japan Organization for Metals and Energy Security (JOGMEC).³

¹ ISBA/29/C/16

² ISBA/29/C/17

³ ISBA/29/C/18

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

4. At the 321st meeting, on 25 July 2024, the Council took note of the report by the Secretary-General on the status of national legislation relating to deep seabed mining and related matters.⁴

V. Consideration, with a view to approval, of applications for a plan of work for exploration

5. At the 324th meeting, on 26 July 2024, the Council approved the plan of work for exploration for polymetallic sulphides submitted by the Earth System Science Organization-Ministry of Earth Sciences of the Government of India.⁵ The Council also took note of the report of the Legal and Technical Commission relating to an application for approval of a plan of work for exploration for cobalt rich-ferromanganese crusts by Earth System Science Organization-Ministry of Earth Sciences of the Government of India.⁶

VI. Draft regulations on exploitation of mineral resources in the Area

6. At its 319th meeting, on 15 July 2024, the Council addressed agenda item 10 on the consideration of the draft regulations on exploitation of mineral resources in the Area. All subsequent discussions on the draft regulations took place in informal meetings from 15 to 24 July 2024, with the full participation of other members of the Authority and observers, in line with the roadmap approved by the Council in July 2023.⁷ The President of the Council introduced the President's briefing note of 3 June 2024⁸ and resumed the reading of the consolidated text of the draft regulations on exploitation of mineral resources in the Area from draft regulation 35.⁹

7. The plenary of the Council held eleven informal meetings, from 15 to 23 July 2024 on the President's consolidated text. The Council finished the first reading of the President's consolidated text, covering from draft regulation 35 to the last draft regulation 107. On 15 July 2024 a thematic discussion was held on Equalization measures, with the delegation of Australia as Rapporteur. On 19 July 2024, a thematic discussion was held on Underwater Cultural Heritage with the delegation of the Federated States of Micronesia as Rapporteur. On 22 July 2024, the Informal Working Group on Institutional Matters held its Eighth Meeting. The topic for discussion was Effective control. On 24 July 2024, the Informal Working Group on the Protection and Preservation of the Marine Environment held its Eighth Meeting with two topics for discussion: environmental impact assessment/statement and electronic management and monitoring.

8. At its 323rd meeting, on 26 July 2024, the Council took note of all oral reports by the facilitators and rapporteurs (See Annex I).

9. At its 323rd meeting, the Council took note of a list of intersessional work ahead for the remaining of the twenty-ninth session (see Annex II), prepared by the President. It was agreed that the deadline for submissions of proposals by the intersessional working group is 1 November 2024.

10. At its 323rd and 324th meetings on 26 July 2024, the President introduced a revised roadmap to guide the work of the Council (Annex III) during the thirtieth session in 2025, on the draft regulations for the exploitation of mineral resources in the Area, along with the associated standards and guidelines. It was agreed that the deadline for submissions of national

⁴ ISBA/29/C/13

⁵ ISBA/29/C/14; ISBA/29/C/L.4

⁶ ISBA/29/C/19

⁷ ISBA/28/C/24; ISBA/28/C/25

⁸ The President's Briefing note for the second part of the twenty-ninth session.

⁹ ISBA/29/C/CRP.1

written proposals is set for 23 September 2024. The President will provide a revised consolidated text by the end of November 2024.

VII. Report of the Secretary-General on the implementation of the decision of the Council in 2024 relating to the reports of the Chair of the Legal and Technical Commission

11. At its 321st meeting, on 25 July 2024, the Council took note of the report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission.¹⁰

12. Some participants praised the side event hosted by the Legal and Technical Commission on 15 July 2024 as a positive step towards increased transparency. Several delegations emphasized the need for greater transparency and accountability concerning contractors, calling for the disclosure of those who failed to submit complete or adequate reports or did not respond to the Council's requests. This aims to enhance transparency and ensure contractors are held accountable for their contractual obligations. Participants highlighted the importance of contractors fulfilling their commitments to training and capacity-building, especially for developing countries. They requested updates on the implementation of these commitments, noting that capacity-building is a crucial element for developing countries and a contractual requirement. The training on data management held in June 2024 received praise from participants, who acknowledged its value in enhancing the skills of participants from developing countries. However, the challenge of insufficient funds in the Voluntary Trust Fund for the participation of developing countries in Commission meetings was also recognised. Participants emphasised the need to address this funding issue to ensure equitable participation of developing countries.

VIII. Report of the interim Director-General of the Enterprise

13. At its 321st meeting, on 25 July 2024, the Council took note of the report of the Interim Director-General of the Enterprise, Mr. Eden Charles.

14. Participants expressed strong support for the ongoing activities and direction of the Enterprise, commending the efforts of the Director-General and affirming their commitment to continued collaboration and fruitful exchanges. Participants emphasised the vital role of the Enterprise in facilitating the participation of developing states in exploration activities, noting that this function is crucial for ensuring equitable exploration and participation. However, concerns were raised about the lack of progress in establishing joint projects that would allow the Enterprise to operate independently from the Authority. Joint projects are viewed as essential for equitable sharing of benefits. Additionally, participants requested an assessment of the feasibility of creating such a joint company in the short or mid-term.

IX. Report of the Chair of the Legal and Technical Commission

15. At its 320th meeting, on 18 July 2024, the Chair of the Legal and Technical Commission, Dr. Erasmo Lara Cabrera (Mexico), delivered an oral report on the work of the Commission at the second part of its twenty-ninth session (1 to 12 July 2024).¹¹

16. Delegations expressed strong support for the Commission's work. Several delegations commented on specific items. On the Contractors' Training Programmes, many delegations expressed satisfaction with the number of training positions offered, as well as for the efforts of the Secretariat in supporting the increase in the number of women qualified for training programmes. The launch of the iCAN network of former trainees was also commended. Some delegations noted the progress made by the Commission in addressing potential cases of non-compliance by Contractors. Several delegations made preliminary comments on the draft standardized procedure for the development, review and approval of Regional Environmental

¹⁰ See ISBA/29/C/15.

¹¹ ISBA/29/C/7/Add.1

Management Plans (REMPs). It was suggested that a discussion could take place on the legal nature of this document. Many delegations also stressed the importance of the work of the environmental threshold value group and encouraged further progress. They expressed appreciation for the detailed work done by the Commission and acknowledged the importance of these efforts in enhancing environmental protection measures.

17. In response to the comments raised, the Commission Chair noted that in relation to the process of identification of potential cases of non-compliance by Contractors, a significant amount of work had been achieved and that a balanced assessment procedure had been developed. He also welcomed the number of positive reactions to the development of the different documents pertaining to REMPs. The Commission's Chair addressed comments on annual reports by Contractors, noting that significant work has been done. Positive reactions to the work on REMPs were noted. He highlighted that the annex to the report of the Chair includes a rationale for comments on the standardized procedure, explaining why some comments were not taken into consideration. The Secretary-General concluded the discussion by thanking the Commission for the work accomplished and called upon all members of the Authority to contribute to the Voluntary Trust Fund, noting also that the large majority of Commission's members have been able to attend and participate in its meetings.

18. At its 324th meeting, on 26 July 2024, the Council took note of the Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-ninth session.¹²

19. At its 324th meeting, the Council also discussed the Draft revised standardized procedure for the development, establishment and review of regional environmental management plans.¹³ Delegations expressed hope that these tools could be devised and implemented as soon as possible. Some delegations suggested specific amendments to the purpose and binding nature of REMPs to ensure they are effectively integrated into regulatory frameworks and provide clear, enforceable guidelines for environmental management. Participants also highlighted the need for improved collaboration with contractors in the development and implementation of REMPs. They emphasised that better cooperation between the Authority, contractors and other stakeholders would lead to more comprehensive and effective environmental management plans. The Council, following consultation among concerned parties, eventually agreed to submit further comments to the Commission with a view to further refining the revised draft accordingly.

20. At its 324th meeting, the Council adopted the Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission.

X. Report of the Finance Committee; Budget of the International Seabed Authority; and Adoption of the scale of assessment for contributions to the budget of the International Seabed Authority for the financial period 2025–2026

21. At its 321st and 322nd meetings, on 25 July 2024, and 323rd and 324th meetings, on 26 July 2024, the Council considered together item 15, Report of the Finance Committee;¹⁴ item 16, Budget of the International Seabed Authority;¹⁵ and item 17, adoption of the scale of assessment for contributions to the budget of the International Seabed Authority for the financial period 2025–2026.

22. At the 321st and 322nd meetings of the Council, the Chair of the Finance Committee, Rear Admiral Khurshed Alam (Bangladesh), presented the report of the Committee on its work during the twenty-ninth session (10 to 12 July 2024). The Council took note of the report.

¹² ISBA/29/C/7/Add.1

¹³ ISBA/29/C/10

¹⁴ ISBA/29/C/20-ISBA/29/A/9

¹⁵ ISBA/29/C/11–ISBA/29/A/3; ISBA/29/C/L.2

23. Some participants voiced concerns about decreases in the programme budget, noting that it compromised the ability of the Authority to deliver on its obligations. Other participants supported the zero nominal growth approach reflected in the revised proposed budget. Some delegations expressed concern over the late submission of the report of the Committee and one delegation asked for specific documents to be provided, including a report on travel for the current budget cycle and revisions to the audit statement. Some delegations supported the Committee's recommendation for the Council and the Assembly to consider the issue of the payment of financial contributions by observers.

24. The chair of the Finance Committee noted that the budget proposal had been uploaded on 18 April 2024, 76 days prior to the discussion and that delays in uploading the report of the Committee were due to translation and editing issues. Regarding questions about benefit sharing, the Chair referred to ongoing discussions about options in the Finance Committee that are still in progress and had not yet been concluded. The Secretary-General indicated that he was satisfied with the revised budget proposal and would implement the recommendations of the Committee without delay.

25. At its 324th meeting, the Council adopted a decision relating to the budget of the International Seabed Authority for the financial period 2025–2026 and related matters.

XI. Proposal to the Assembly of a list of candidates for the election of the Secretary-General

26. At its 324th meeting, on 26 July 2024, the Council adopted the Decision of the Council of the International Seabed Authority concerning the candidates for the election of the Secretary-General.¹⁶

XII. Dates of the next session

28. The first part of the thirtieth session of the Council will be held from 17 to 28 March 2025 and the second part from 7 to 18 July 2025.

¹⁶ ISBA/29/C/22

Annex I

Reports on progress made by the working groups and on the President's consolidated text

A. Oral Report delivered by the rapporteur of the intersessional working group concerning the thematic discussions on Equalization Measure, Robyn Frost (Australia)

1. On Monday, 15 July 2024, the Council held a further thematic discussion on an Equalization Measure as part of the Financial Terms of Contracts, in an informal setting.

2. Dr Daniel Wilde of the Commonwealth Secretariat provided expert input to the discussions. On behalf of those who participated, I thank him for his continued assistance.

3. Dr Wilde gave a presentation summarising the Thematic Discussion on an Equalization Measure at the March Council meeting together with further discussions in the meetings of the Intersessional Working Group on an Equalization Measure held in June. His presentation is available on the Authority's website.

4. He also provided an overview of the textual proposal submitted by Australia on behalf of the Intersessional Working Group for an Equalization Measure. That proposal contained text for draft Regulation 64 bis with an Annex containing draft text for an Equalization Measure Standard. Text for options 1 and 2 is set out in the draft Equalization Measure Standard. The text of the draft Equalization Measure Standard incorporates drafting suggestions made by participants in the Intersessional Working Group.

5. The two options are:

Option One: A hybrid model by which a contractor shall:

- a.) if it receives tax exemptions or subsidies pay an additional royalty against which payments to the sponsoring state are creditable; or
- b.) if it does **not** receive tax exemptions or subsidies pay a 25% **'top-up' profit share** on the profits of the contractor and all related entities engaged in mining activities to the Authority against which covered taxes to all states by all related entities engaged in mining activities would be creditable. The definitions of related entities, profits and covered taxes would be based on the OECD Globe Rules to the greatest extent possible.

Option Two: A profit share model, which was developed with the assistance of the IGF, which requires a contractor to pay a 25% **additional profit share** on its profits to the Authority against which its payments to the sponsoring state are creditable.

6. A number of questions were raised by delegations including:

- How would an Equalization Measure apply to different types of contractors including contractors directly controlled by a State party and State-owned enterprises?
- Will an equalization measure apply to the Enterprise, given the provisions of Article 10 of Annex IV to the Convention?
- How would an equalization measure apply where there is a joint venture with the Enterprise?
- Which of the two options provides for greater transparency regarding the relationship between a Sponsoring State and a contractor?

- What types of subsidies and tax exemptions are covered, given the provisions in Section 6 of the Annex to the 1994 Implementation Agreement?

- Is it possible to provide some practical examples of how the two options would operate?

7. In regard to the question of which of the two options would allow for greater transparency, the relative simplicity of Option 2, in comparison to Option 1, may provide greater transparency, as it would be simpler for Member States' administrations and contractors to understand and for the Authority to administer.

8. All delegations agreed on the necessity of an Equalization Measure, with the inclusion of a relatively simple provision in the Regulations, and details for the Equalization Measure to be included in a Standard. However, there was no consensus on a preferred model.

9. Some delegations expressed a preference for Option 1 as, even though it is more complex, it provides for comprehensive capture of revenue, disincentivises tax avoidance and profit-shifting, and is based on established fiscal instruments.

10. Other delegations expressed a preference for Option 2, principally on the grounds that it would be simpler for contractors and Member States to understand and for the Authority to administer. It was also noted that Option 2 is similar to the taxation regimes applied in many land-based mining countries.

11. Some delegations also noted the possibility of reviewing the Equalization Measure in the future as part of a review of the system of payments and in light of experience gained.

12. Australia offered to facilitate intersessional meetings to further discuss the questions raised.

13. One meeting could focus on issues around the application of an equalization measure to different types of contractors, including whether or how it would apply to the Enterprise and joint ventures with the Enterprise.

14. A second meeting could further consider issues around subsidies and tax exemptions, and the calculation of profits, particularly with regard to Option 1. Additionally, the meeting could consider what are Relevant Activities, that is activities within the mining perimeter, for the purposes of Option 1.

B. Oral report delivered by the rapporteur of the intersessional working group concerning the thematic discussions on Underwater Cultural Heritage, Clement Yow Mulalap, Federated State of Micronesia.

15. Last Friday, on 19 July 2024, the Council held a thematic discussion on underwater cultural heritage ("UCH") as part of the second part of the 29th Session of the International Seabed Authority ("ISA"). The thematic discussion took place in two parts: one in the main conference room for about an hour and a half, and one during the lunch period in a separate conference room. The thematic discussion focused on two guiding questions:

1) Is the material scope of the current draft exploitation regulation ("DR") 35 sufficient, and are the procedural steps identified in the current DR 35 sufficient to deal with whatever that material scope might be?

2) How should the issue of intangible underwater cultural heritage be addressed in the exploitation regulations and other aspects of the Mining Code, especially beyond DR 35, including with respect to "pure" intangible underwater cultural heritage?

16. Delegations also had before them several non-papers from Spain as well as from select representatives of Indigenous Peoples and of local communities from the Pacific, which addressed tangible and intangible elements of UCH.

17. Delegations generally expressed support for addressing UCH in some substantive form in the exploitation regulations and associated Standards and Guidelines, inclusive of both tangible and intangible aspects. On this basis, delegations engaged with the current version of DR 35 in the consolidated draft text as well as a set of proposals for revising DR 35 submitted by Spain in its latest non-paper on the matter, while keeping in mind the relevant provisions of the Convention, including article 149. A number of delegations indicated that DR 35 should focus primarily on what various actors must do when there are encounters with tangible UCH in the Area, particularly human remains as well as objects and sites of an archaeological or historical nature. In this respect, those delegations had various comments on the current version of DR 35 as well as Spain's proposal in their latest non-paper, particularly notification requirements from the Contractor to the ISA Secretary-General ("SG") as well as from the SG to all States, the Director-General of the United Nations Educational, Scientific and Cultural Organization ("UNESCO"), various other intergovernmental organizations, and other Stakeholders; the review and decision-making process of the ISA Council in response to the notifications and views expressed in the notifications process, including the views of those States with preferential rights under article 149; and possible measures that must be implemented at different points of the process, including temporary cessation of activities and permanent termination of such activities, as appropriate. Various views were expressed about what would constitute a "reasonable radius" for the imposition of measures upon encounters with tangible UCH, how to address sovereign-immune vessel wrecks encountered in the Area, whether to compensate an impacted Contractor, and whether there should be some sort of committee or similar "Interested Group" as the forum for collecting responses to the notifications from the ISA SG under DR 35.

18. While many delegations focused on DR 35 as the basis for regulating encounters with tangible UCH, views were expressed that there might be a need to also regulate tangible UCH matters in other exploitation regulations that deal with processes and actions prior to encounters by Contractors during exploitation activities in the Area. These other processes and actions include, among other things, surveys of the Area by Contractors as part of their development of environmental impact statements and other environmental documents, plans, and policies required under the exploitation regulations.

19. On the other hand, a view was expressed that DR 35 should not be limited to encounters with tangible examples of UCH but should also regulate encounters with intangible UCH. It was noted that there is a challenge to separating tangible and intangible elements of UCH, as there are cultural and other similar values that are sometimes classified as being intangible, but which are still connected to or arise out of tangible aspects of the environment in some manner. Another view was expressed that the proper way to deal with intangible UCH is through various protective measures adopted before activities begin in a particular part of the Area, such as a cultural heritage management plan, as well as through comprehensive consultations processes for the development of environmental impact statements and other major environmental documents, plans, and policies required under the exploitation regulations, wherein such consultations processes involve Indigenous Peoples, local communities, and their views to the fullest extent possible. A further view was expressed that intangible UCH can be best captured through references to the relevant traditional knowledge of Indigenous Peoples and of local communities throughout the exploitation regulations, including those for Stakeholder consultations for and the development of an environmental impact statement and other environmental documents, plans, and policies required under the exploitation regulations.

20. Delegations also engaged with proposals for the establishment of an Intangible Underwater Cultural Heritage Committee and for the recognition and upholding of all relevant rights of the holders of traditional knowledge referenced in the exploitation regulations, including, in particular, the right to free, prior, and informed consent of

the holders of such knowledge. On the proposed Committee, a number of delegations expressed openness to the idea, pending further discussion on the possible scope, composition, and placement within the overall regulations for the Committee. It was stressed that the Committee would represent a key method for ensuring that the voices and views of Indigenous Peoples and of local communities are heard and addressed by the Authority in connection with activities in the Area, particularly with respect to intangible UCH. On the other hand, a number of delegations expressed caution about the establishment of such a committee, noting, among other things, the general issue of having a multiplicity of new bodies created by the exploitation regulations as well as the specific concern that a committee focused on intangible UCH might have the unintended effect of minimizing the importance of such UCH. On the rights of holders of relevant traditional knowledge, references were made to the UN Declaration on the Rights of Indigenous Peoples, language in the BBNJ Agreement and other relevant instruments, and other sources of international human rights law. A view was also registered on the appropriateness of recognizing collective rights, as opposed to rights held by individuals.

21. Finally, delegations engaged on the issue of possible definitions for tangible and intangible UCH. Several delegations expressed support for defining tangible as well as intangible UCH in the exploitation regulations and indicated openness to using relevant definitions from the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage and the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. On the other hand, views were expressed that cautioned against using one or both such UNESCO Conventions as bases for those definitions as well as questioned whether it would be appropriate to define UCH in any manner at all in the exploitation regulations. A view was also expressed that perhaps a technical study can be conducted by the ISA on the matter of UCH in the Area.

22. In terms of next steps, I recommend that the intersessional working group on UCH continues during the upcoming intersessional period. The delegation of the Federated States of Micronesia can continue facilitating the intersessional working group, if requested. Additionally, I recommend that the facilitator of the intersessional working group puts together a comprehensive set of draft textual proposals on UCH, covering tangible and intangible elements and reflecting language in not just DR 35 but also in other DRs of relevance to the matter of UCH as well as possible Standards and/or Guidelines. The draft textual proposals will reflect as much as possible the written and oral inputs of delegations from the thematic discussion and the previous intersessional periods, the discussions in the informal setting of the Council plenary the last couple of weeks, and written inputs from delegations that can be submitted to the facilitator over the next several weeks. The draft textual proposals from the facilitator will likely reflect alternatives where the facilitator believes that delegations still have divergent views on certain elements. The facilitator will present this comprehensive set of draft textual proposals to the intersessional working group for its consideration. I recommend that the intersessional working group and its facilitator proceed on this basis, unless otherwise requested by the Council.

23. To conclude, I thank very much all delegations that have participated actively and with great interest in UCH discussions to date. I encourage all delegations to continue this level of engagement. It was the delegation of Singapore that indicated during last week's thematic discussion that our task is a difficult but not impossible one. It was also the delegation of TBA-21 who indicated in last week's thematic discussion that the questions before us are hard but invaluable to address. I agree with them, and I look forward to working with all interested delegations in that spirit going forward,

C. Oral report delivered by the co-facilitators of the informal working group on institutional matters, Amb. Gina Guillén-Grillo (Costa Rica) and Salvador Vega Telias (Chile)

24. El grupo de trabajo informal sobre asuntos institucionales se reunió en la mañana del 22 de julio de 2024. El tema de debate fue Control Efectivo. Al inicio de la reunión, los cofacilitadores realizaron una presentación en materia de control efectivo, en donde se expusieron los diferentes temas asociados y el estado actual de las discusiones.

25. A continuación, se analizaron las implicancias del control efectivo y las diferentes interpretaciones, incluyendo una revisión de los artículos 139(1) y 153(2)(b) de la Convención y el Anexo III, artículo 4(3) y 9(4) y la Opinión Consultiva sobre las Responsabilidades y Obligaciones de los Estados que Patrocinan Personas y Entidades con Respecto a las Actividades en la Zona, (Caso No. 17, ITLOS, 1 de febrero de 2011). Se destacó que era cada vez más importante que el Consejo avance en tomar una decisión proactiva e informada sobre la forma de aplicar un control efectivo con respecto a las actividades de explotación. Se pudo observar que, en general, aparecen dos enfoques diferentes en el contexto del patrocinio estatal de contratistas en el régimen de explotación, que son el «enfoque de control reglamentario» y el «enfoque de control económico».

26. En virtud de motivar las intervenciones, los cofacilitadores se presentaron preguntas en relación a la interpretación actual del control efectivo, cómo puede evitarse la monopolización y cómo se garantiza que las zonas reservadas beneficien realmente a los países en desarrollo. Se abrió el turno de intervenciones de las delegaciones y los observadores.

27. Las delegaciones acogieron con satisfacción la presentación de los cofacilitadores y el documento oficioso de los Países Bajos sobre las declaraciones de responsabilidad de las empresas matrices, ya que podría proporcionar una base jurídica suficiente en el proyecto de reglamento de explotación y en el contrato de explotación para garantizar que las empresas matrices de los contratistas sean solidariamente responsables ante la Autoridad de los daños causados por el contratista y de los que éste sea responsable. Algunas delegaciones también acogieron el documento oficioso de Nauru sobre el patrocinio estatal de actividades en la zona y la interpretación de los requisitos de control efectivo.

28. Con respecto a los diferentes enfoques en materia de control efectivo, algunas delegaciones apoyaron el enfoque de control reglamentario como el que debería continuarse con respecto a los reglamentos de explotación. Otras delegaciones indicaron preferencia por el enfoque de control económico para esta nueva etapa. Varias delegaciones sugirieron explorar un enfoque híbrido, donde al enfoque regulatorio se agreguen elementos del enfoque de control económico. Una Delegación ha sugerido que unas directrices sobre las líneas generales de lo que se requeriría con respecto a un control efectivo podrían ser útiles y provechosas.

29. Los cofacilitadores agradecieron a todas las delegaciones y observadores su activa participación. Los cofacilitadores subrayaron que había acuerdo en que se trata de una cuestión importante que debe resolverse, incluida la importancia de cumplir la normativa cuando pueda surgir un posible caso de responsabilidad o monopolio. Al concluir la reunión, los cofacilitadores indicaron que se seguiría trabajando en el tema entre sesiones, invitando a las delegaciones interesadas a expresar su deseo de participar a la secretaría y a presentar también cualquier declaración escrita sobre las preguntas planteadas así como otros temas que quieran aportar.

D. Oral report delivered by the facilitator of the informal working group on the protection and preservation of the marine environment, Raijeli Taga (Fiji)

30. The meeting of the informal working group took place on 24 July 2024. The [facilitator's briefing paper](#), issued on 26 June 2024, had outlined the proposed work of the group.

31. In the morning, the topic under discussion was environmental impact assessments and environmental impact statements. Delegations and observers were reminded of the work during the first part of the twenty-ninth session concerning the allocation of regulations in relation of the environmental impact assessments to their appropriate and logical locations across the draft exploitation regulations, annexes, standards and guidelines.

32. The proponents of a joint text proposal, co-led by the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland presented their intersessional work and [joint proposals](#) in respect of the restructuring of the environmental impact assessment and impact statement. The proponents of the joint text proposal had particular focus on useability and streamlining, and amongst other points presented a streamlined version of Annex IV. In this respect, the proponents of the joint text proposal asked the group to consider whether Annex IV should be reworded to be a list of requirements instead of retaining its current section by section formatting structure. Also, it was raised by the proponents of the joint text proposal whether replaced text from the consolidated text should be placed in standards or guidelines, including whether a proposed template should be recommendatory or prescriptive. The proponents of a joint text proposal reported that they had completed their work for the Council's consideration.

33. Hereafter, a general discussion was carried out in relation to the proposed restructuring, and the questions raised by the proponents of a joint text proposal. Many delegations welcomed the intersessional work, and several delegations were in general in support of the joint text proposal and the restructuring and found that it enhanced the wish for future proofing the exploitation regulations. In respect of the structure of Annex IV, divergent views were presented. Some delegations supported the proposal to revert Annex IV to a list of requirements as it would be practical and operational.

34. A general discussion followed in respect of replacing text from the consolidated text to standards or guidelines. Also, it was discussed whether the suggested template should be of a recommendatory or prescriptive nature. Several delegations suggested that all (or almost all) content replaced from the draft exploitation regulations should be moved to the standards. It was proposed by another delegation that the delegations should await resorting to such decision until the wording of such a template would be in place.

35. After the general discussion of the EIA/EIS structure, the delegations and observers resorted to a reading of Part IV, section 2, draft regulations 46 concerning the environmental impact assessment.

36. In the afternoon, the meeting continued with discussions on environmental management and monitoring. The facilitator reminded delegations and observers that it had been suggested to streamline the regulations concerning environmental monitoring and the environmental management and monitoring plan, this to ensure increased readability and to avoid duplication and, finally, bring more consistency with the refined structure on the environmental impact assessment and impact statement in section 2 of Part IV of the consolidated text.

37. Norway presented their proposal for the inclusion of the newly inserted section 3 in Part IV of the text and the restructuring of regulations on environmental management and monitoring. Moreover, Norway provided a joint proposal on refinement of section

3 carried out in the intersessional period. Following this, a general discussion on the proposed restructure took place, and was warmly welcomed by delegations and observers as a solid foundation for future work. Norway offered to continue intersessional work to also replace and update the substance of section 3. This was also welcomed by delegations and observers.

38. After the general discussion of the suggested restructure of the section concerning the regulations on environmental management and monitoring, a reading of draft regulations 49-52 was conducted.

39. In the closing of the meeting, the facilitator invited delegations to inform the Secretariat their interest in participating in further intersessional work on environmental management and monitoring. They were also encouraged to submit written proposals on the various subjects discussed during the session. The deadline for written submissions was set to 23 September 2024.

40. Finally, the Facilitator thanked all delegations and observers for their contributions to the consolidated text and to clarify on the way forward. The Facilitator also thanked the Secretariat and the Meeting service.

ANNEX II

List of intersessional work ahead of the twenty-ninth session

Gr. no.	Focus	Coordinator
1.	Effective control (<i>Cross cutting</i>)	Costa Rica and Chile
2.	ICE mechanism (<i>Draft regulation 102</i>)	Norway
3.	Equalization measure (<i>Draft regulation 64 bis and draft Equalization Standard</i>)	Australia
4.	Rights and interests of coastal States (<i>Cross cutting and draft regulation 93 ter</i>)	Portugal
5.	Underwater Cultural Heritage (<i>Cross cutting and draft regulation 35</i>)	Micronesia
6.	Environmental Management and Monitoring (<i>Section 3 of Part IV, draft regulations 49-52 and Annex VII</i>)	Norway
7.	Test Mining (<i>Draft regulation 48 ter</i>)	Germany
8.	Closure plans (<i>Part VI, draft regulations 59-61</i>)	Fiji

ANNEX III

Roadmap for the thirtieth session of the Council of the International Seabed Authority (2025)

The following roadmap has been prepared by the President of the Council and endorsed by the Council for the organization of its discussions in 2025 on the draft regulations on exploitation of mineral resources in the Area and on the associated standard and guidelines. The roadmap takes into account the progress made in the implementation of the roadmap for work on the draft regulations in 2023 and 2024 (ISBA/28/C/24), as well as the discussions on that matter held by the Council in the second part of its twenty-ninth session in July 2024.

Organ	Date	Working methods relating to draft regulations	Tentative agenda
<p>Council (intersessional work between delegations as required)</p> <p>The deadline for general submission of comments on the President’s revised consolidated text is 23 September 2024. The deadline for submission of joint proposals from the intersessional working groups is 1 November 2024.</p> <p>The Revised consolidated text and submissions to be posted on the website in the end of November 2024.</p>			
First part of the thirtieth session (3-28 March 2025)			
Legal and Technical Commission	3-14 March 2025 (10 days)		
Council	17-28 March 2025 (10 days)	Formal meetings (2 days)	Standing items and items on the agenda requiring decisions by the Council.
		Council, in plenary (7.5 days)	<ul style="list-style-type: none"> • Negotiations of the revised consolidated text. • Thematic discussions with a rapporteur accordingly.
		Formal meeting (0.5 days)	<ul style="list-style-type: none"> • Reports to the President by facilitators and rapporteurs.

			<ul style="list-style-type: none"> • Review of the progress on the draft regulations. • High-level discussions on standard and guidelines • Adoption of regulations in the event that they are ready for adoption. • Agreement on necessary intersessional work.
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Organ	Date	Working methods relating to draft regulations	Tentative agenda
Council (intersessional work between delegations as required).			
Second part of the thirtieth session (23 June-18 July 2025)			
Legal and Technical Commission	23 June-4 July 2025 (10 days)		
Finance Committee	2-4 July 2025 (3 days)		
Council	7-18 July 2025 (10 days)	Formal meetings (2 days)	Standing items and items on the agenda requiring decisions by the Council.
		Council, in plenary	Precise agenda to be agreed on the basis of the outcomes of the first part of the thirtieth session in March 2025.
		Formal meeting	Adoption of the regulations (in the event that they are ready for adoption).

26 July 2024.