

Work summary Friends of President DR 92 Seabed Mining Register-India

We thank all delegations who provided input for the FOP work for DR 92 conducted by India. The input received from different delegations gave us a nice insight on the content of the regulation and was very much helpful in finalizing the document, and we are grateful for their contributions. The overall the work carried out for this DR 92 is summarized below.

To start with, we put forward two points seeking the views of different delegation, the points and point wise responses are follows:

Point 1: Whether the information list mentioned in the sub-paras under para 1 of DR. 92, should be pre-referred in the respective DRs across the exploitation regulation stating in a separate para under the respective DRs that the matter is to be included in the SMR or vice versa. Say, if the matter related to DR 17 is a matter to be published in the DR 92, whether it is mandatory to be mentioned in a para of Dr 17 or not.

The responses received from delegation are mixed in nature, one group provided their view it should be only mentioned in the DR 92 in a comprehensive way all the required elements of public documents to be included in SMR. Another group strongly favored mentioning in the both places, the DR related to the matter should contain that it is to be included in SMR and the element of that DR is to be included in the DR 92 i.e SMR. This cross referencing in the other regulations, and further mentioning in DR 92 has been suggested as good drafting practice. We consider, the Council may further discuss the matter to reach a consensus for across the regulation mentioning to include in the SMR is required or not.

Point 2: Whether other forms of registers mentioned across the regulation will be part of the SMR or not. If yes, separate nomenclatures like the Incidents Register, mining discharge register will be appropriate or this could be mentioned also as SMR

The delegation who responded, has overall supported that those registers should be separately maintained by the contractors at their end as raw and detailed register. The annual summary of those registers to be included in the annual report and annual report should be published in the SMR. The group highlighted importance of such information and supported referring them as an integral part of the SMR.

Additionally, one delegation provides insights the way SMR to be envisaged and mentioned that SMR should not be seen simply as a repository of information. It is also a legal tool for the registration and management of mineral resource exploration and exploitation contracts issued by the Authority. The ability to deal in these contracts is generally administered through these registers in land-based mining contexts. It provides public notice of rights and restrictions.

We felt that some streamlining is required for the DR 92 and sought suggestions from the delegations. Regarding streamlining the DR 92 one delegation proposed that one function of the SMR as a “titles register” should not be overlooked. The SMR can be structured into several sub-registers where necessary. Another delegation proposed the elements of SMR can be categorized into the following types of information: (a) basic information on the contractor and the contract, (b) financial and interest information, (c) operational and production information, (d) environmental and monitoring information, (e) inspection, compliance, and consultation information, (f) Authority decisions and reports, and (g) other information to be included.

One delegation proposed to break para 1 into two i.e para 1 and 1bis to bring more clarity in the content of the para. Another delegation proposed delete certain sub paras which are very broad and not specific for the elements to be included in the SMR. It has been suggested by a delegation that financial incentives registry to be included and another delegation opined Mining discharge register may not be relevant for inclusion in SMR. Moreover, we have also checked across the regulations of the consolidated draft for identifying other elements documents which may have merit for inclusion under the sub-paras of para 1 for DR 92, and identified certain components like closure plan and Environmental compensation fund etc. Finally, considering all the inputs received, we have revised DR 92 and submitting herewith for consideration of the council for further deliberation in this regard.