

# **Briefing note on the Further Revised Consolidated Text of the draft Regulations on Exploitation of Mineral Resources in the Area**

**Prepared by the Secretary-General**

## **I. Introduction**

1. This briefing note provides an introduction to the Further Revised Consolidated Text of the draft Regulations on Exploitation of Mineral Resources in the Area (hereinafter the "draft Exploitation Regulations" or the "Text"), prepared pursuant to the Council's decision of 18 July 2025, to assist delegations in their preparations for the thirty-first session of the Council.

## **II. Background**

2. During the thirtieth session of the Council, held in March and July 2025, the Council completed the second reading of the Revised Consolidated Text of the draft Exploitation Regulations, covering draft regulations from the Preamble through to draft regulation 107. It is noted that the Annexes and the Schedule were not addressed during this reading.

3. On 18 July 2025, the Council adopted its Decision on a thematic approach to the continuation of the elaboration of rules, regulations and procedures relating to exploitation to resolve remaining key outstanding matters ([ISBA/30/C/18](#)). In this Decision, the Council requested the Secretariat to prepare a further revised consolidated text, based on the discussions during the thirtieth session, and to make it available on the website of the International Seabed Authority well in advance of the first meeting of the thirty-first session.

4. At the 339<sup>th</sup> meeting of the Council on 21 July 2025, the President of the Council suggested that the deadline for submissions from delegations be set for 15 September 2025, while inputs from the informal working groups and Groups of Friends of the President be submitted by 1 December 2025.

5. The deadline for submissions from States and stakeholders was subsequently extended by the Secretariat to 1 October 2025.

6. On 23 December 2025, the Secretariat published the following documents:

- (a) the Further Revised Consolidated Text (document [ISBA/31/C/CRP.1](#));
- (b) a clean version of the Text ([ISBA/31/C/CRP.2](#)); and
- (c) a Further Revised Suspense Document ([ISBA/31/C/CRP.3](#))

7. On 12 February 2026, a revised version of the Text ([ISBA/31/C/CRP.1/Rev.1](#)) and a revised clean version ([ISBA/31/C/CRP.2/Rev.1](#)) were published on the website of the Authority, incorporating a number of comments received from delegations and correcting minor editorial matters identified in the initial version of the document. A second revised version of the Text ([ISBA/31/C/CRP.1/Rev.2](#)), and a second revised clean version ([ISBA/31/C/CRP.2/Rev.1](#)) were published on 16 February 2026.

8. For the purposes of the present note, any reference to the Text hereinafter shall be understood, unless otherwise specified, as a reference to document [ISBA/31/C/CRP.1/Rev.2](#).

## **III. Introduction to the Further Revised Consolidated Text**

9. The Further Revised Consolidated Text reflects oral comments received during the thirtieth session, as well as written proposals submitted by Member States, stakeholders, Informal Working Groups, and Friends of the President initiatives. The Secretariat has endeavoured to incorporate the diverse views expressed while maintaining the coherence and legal integrity of the Text.

10. In delivering the mandate given to the Secretariat, a special task force was created within the Office of Legal Affairs, led by its Director and integrating consultants with

relevant subject-matter expertise for the drafting process, in order to timely and accurately deliver the Text, considering the volume of work and number of submissions from member States, time allocated for the task and the substantial number of topics and areas of speciality. The consultants, to a large extent, have worked in the past with the Open Ended Working Group on Financial Terms of a Contract, the Informal Working Group on Environmental on the Protection and Preservation of the Marine Environment, the Informal Working Group on Inspection, Compliance and Enforcement and on the President’s text.

11. The primary objective of the Text is to facilitate informal, constructive discussions within the Council during the thirty-first session, to harmonize and streamline the draft regulations where possible, and to support the Council in advancing and finalizing its work on the draft regulations.

12. To this end, alignment between various provisions has been enhanced by providing alternatives and ensuring a consistent use of terms and phrases, where necessary also through editorial amendments.

13. While the Text does not incorporate every individual oral and textual proposal received, it seeks to reflect the full range of ideas and policy options expressed during and after the thirtieth session. The Secretariat emphasizes that the absence of a specific textual formulation from the Text does not prejudice its possible consideration and inclusion at a later stage of the negotiations.

14. Extensive explanations and suggestions have been provided by the Secretariat in comment boxes accompanying each draft regulation. These comments are intended to assist delegations by ensuring consistency with the language and substantive content of the United Nations Convention on the Law of the Sea (the “Convention”) and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (the “1994 Agreement”). Delegations may find these comments helpful in understanding the rationale for certain formulations and in identifying areas requiring further consideration.

15. In addition, where relevant, comment boxes include references to how the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (the “BBNJ Agreement”) addresses certain issues. These references are provided for informational purposes only and are without prejudice to the Council’s authority to adopt different or alternative solutions in the draft Exploitation Regulations.

16. The Text relies significantly on the work carried out by Informal Working Groups and Friends of the President initiatives (hereinafter collectively referred to as the “Groups”). Proposals from the Groups have been extensively incorporated, when necessary with minor adjustments – such as the inclusion of brackets – required in light of the negotiations conducted during the thirtieth session.

17. The tables below provide an overview of the outcomes of the intersessional work and the proposals put forward by the Informal Working Groups (Table 1) and the Friends of the President initiatives (Table 2). Delegations are encouraged to review these proposals in conjunction with the relevant draft regulations.

Table 1

Informal Working Groups	Outcome of the discussion / Proposal presented for inclusion in the Text
<p>Effective Control <i>(draft regulations 5, 6, 7, 13, 21, 24, 24bis, 40, Annex I, Schedule)</i></p>	<ul style="list-style-type: none"> <li>Comprehensive proposal on Effective Control.</li> </ul>
<p>Inspection, Compliance and Enforcement Mechanism</p>	<ul style="list-style-type: none"> <li>Proposal on draft regulation 95bis (previously 102)</li> </ul>

<i>(draft regulation 95bis)</i>	<ul style="list-style-type: none"> <li>• Proposal for a draft Council Decision establishing the Compliance Committee</li> <li>• Proposal for draft Rules of Procedure and draft Compliance Strategy for the Compliance Committee</li> </ul>
Equalisation Measure <i>(draft regulation 64bis)</i>	<ul style="list-style-type: none"> <li>• Summary of intersessional meetings and textual proposal for DR64bis</li> </ul>
Rights and Interests of Coastal States <i>(draft regulation 4, 4bis, 93bis)</i>	<ul style="list-style-type: none"> <li>• Proposal on draft regulation 4, 4bis and 93bis on rights and interests of Coastal States</li> </ul>
Underwater Cultural Heritage <i>(Preamble, draft regulations 2, 4ter, 13, 15, 35, 44, 46, 47, 47bis, 59, 99, Annex III bis, Annex IV, Schedule)</i>	<ul style="list-style-type: none"> <li>• Comprehensive set of proposals on Underwater Cultural Heritage</li> </ul>
Environmental Management and Monitoring <i>(draft regulations 49, 50, 50bis, 50ter, 51, 52, Schedule)</i>	<ul style="list-style-type: none"> <li>• Proposal on Environmental Management and Monitoring</li> </ul>
Test and Pilot Mining <i>(draft regulations 7, 11, 12, 13, 25, 46, 48, 48ter, Annex II, Annex IV, Annex VII, Schedule)</i>	<ul style="list-style-type: none"> <li>• Comprehensive proposal on Test and Pilot Mining</li> <li>• Proposal on draft regulation 48ter (clean version) and note on draft regulation 48ter on outstanding issues</li> </ul>
Reference to Regional Environmental Management Plans (REMPs) <i>(draft regulations 12, 14, 15, Annex IX, Schedule)</i>	<ul style="list-style-type: none"> <li>• Comprehensive proposal on the reference to REMPs</li> </ul>

Table 2

<b>Friends of the President</b>	<b>Outcome of the discussion / Proposal presented for inclusion in the Text</b>
Modification of a Plan of Work by a Contractor <i>(draft regulation 57)</i>	<ul style="list-style-type: none"> <li>• Proposal on draft regulation 57</li> </ul>
Protection of Submarine Cables <i>(draft regulations 31 and 31bis)</i>	<ul style="list-style-type: none"> <li>• Proposal on draft regulation 31 and 31bis</li> </ul>
Environmental Compensation Fund <i>(draft regulations 54, 55, 56)</i>	<ul style="list-style-type: none"> <li>• Proposal on the Environmental Compensation Fund</li> </ul>
Review of Payment Mechanism <i>(draft regulation 81 and 82)</i>	<ul style="list-style-type: none"> <li>• Proposal on draft regulations 81 and 82</li> </ul>

Seabed Mining Register (draft regulation 92)	<ul style="list-style-type: none"> <li>• <a href="#">Proposal on draft regulation 92</a></li> </ul>
Prevention of Corruption (draft regulation 40)	<ul style="list-style-type: none"> <li>• <a href="#">Proposal on draft regulation 40</a></li> </ul>
Environmental Goal and Objectives (draft regulation 44ter)	<ul style="list-style-type: none"> <li>• <a href="#">Proposal on draft regulation 44ter</a></li> </ul>
Non-Compliance Notice, Suspension, and Termination of Exploitation Contract (draft regulations 103, 103bis, 103ter, 103quat.)	<ul style="list-style-type: none"> <li>• <a href="#">Proposal on draft regulations 103, 103bis, 103ter and 103quat.</a></li> </ul>

18. Purely editorial amendments have been introduced in the Text – including in the proposals submitted by Groups. To avoid confusion, these changes – which include, *inter alia*, standardization of references to articles, regulations and paragraphs, as well as to Standards and Guidelines – have not been reflected in mark-up.

19. The methodology outlined in the previous paragraphs has been followed for the main body of the Text, and for these definitions in the Schedule that have been provided by Groups. Since a reading of the Annexes and the Schedule has never been conducted by the Council, proposals received to refine those parts of the Text have been integrally included without any previous evaluation by the Secretariat. As such, amendments made in those parts of the Text must be considered as a compilation rather than a consolidation.

20. As for the previous versions, the Text is accompanied by a Further Revised Suspense Document ([ISBA/31/C/CRP.3](#)), which contains all the elements to be relocated from the draft Regulations on Exploitation of Mineral Resources in the Area to the Standards and Guidelines and other Rules, Regulations and Procedures of the Authority.

21. For the first time, a clean version of the Text ([ISBA/31/C/CRP.2/Rev.2](#)) has also been published, wherein all marked-up text has been accepted and the comment boxes removed. The document is solely provided with an aim of offering to the Council a better overview of how the content might look. It is highlighted that, in case of any inconsistency between the two documents, the mark-up version shall prevail.

22. The Further Revised Consolidated Text and its related documents are non-binding and without prejudice to any delegation's position or the Council's decisions. In this respect and as a fundamental principle for the negotiations, it is therefore recalled that *nothing is agreed until everything is agreed*. The Secretariat remains at the disposal of delegations to provide any clarifications or additional information that may be required.