



Council

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Decision of the Council relating to the regulations on prospecting and exploration for polymetallic sulphides in the Area

The Council of the International Seabed Authority,

1. *Decides* to adopt the regulations on prospecting and exploration for polymetallic sulphides in the Area, as contained in document ISBA/16/C/L.5, dated 4 May 2010;

2. *Decides further* to apply the regulations provisionally, pending their approval by the Assembly of the Authority;

3. *Requests* the Legal and Technical Commission, in due course, to elaborate the appropriate criteria that might be used to prevent monopolization of activities in the Area with respect to polymetallic sulphides and to report to the Council for its consideration;

4. *Decides also* that the procedures set out in the Annex to the present decision shall have effect for a total period of one year following the date of its adoption.

Annex

1. Applicants and their sponsoring States and prospective applicants and their sponsoring States shall use their best efforts to ensure, before making an application pursuant to the Regulations on prospecting and exploration for polymetallic sulphides in the Area (“the Regulations”), that areas in respect of which applications are made do not overlap.

2. During the period of 180 days from the date of adoption of the present decision if, within 30 days of the date upon which an application for a plan of work for exploration for polymetallic sulphides is received by the Secretary-General in accordance with regulation 22 of the Regulations, one or more other applications for a plan of work for exploration for polymetallic sulphides are submitted that overlap with the same area or areas, the Secretary-General shall immediately notify all applicants concerned.

3. The applicants concerned and, as appropriate, their sponsoring States shall try to resolve any conflicts with respect to overlapping applications as soon as possible. The Secretary-General may use his or her good offices to mediate the overlapping applications and, if appropriate, propose a solution. Any such applicants may, within 90 days of the notification by the Secretary-General under paragraph 2, amend their applications so as to resolve the overlapping applications.

4. The parties to any overlapping applications shall keep the Secretary-General and the Council fully informed of efforts to resolve the overlapping applications and of the results thereof. As soon as any overlapping applications between applicants are resolved in accordance with the procedures set out in this Annex, the Legal and Technical Commission and the Council shall proceed to consider the applications concerned in the order in which they were received in accordance with regulations 23 and 24.

5. If the overlapping applications have not been resolved within 90 days of the Secretary-General's notification under paragraph 2 of this Annex to the applicants concerned, the Secretary-General shall provide a report to the Council and Legal and Technical Commission on the overlapping applications and his or her efforts to resolve those applications. The Commission shall, within 90 days following such report, submit an appropriate recommendation to the Council for its consideration on the overlapping applications, taking into account all the relevant factors including:

(a) the location and number of polymetallic sulphides sites that have been discovered in the areas subject to the overlapping applications and the date of each discovery;

(b) the workload, continuity and extent of survey activities with respect to polymetallic sulphides that have been conducted in the areas subject to the overlapping applications;

(c) the financial cost of such survey activities conducted in the areas subject to the overlapping applications, which is measured in constant United States dollars; and

(d) the date of receipt by the Secretary-General of each application.

*161st Meeting
6 May 2010*