

Council

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> Report and recommendations of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for approval of a plan of work for exploration for polymetallic sulphides by the Institut français de recherche pour l'exploitation de la mer

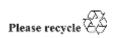
I. Introduction

- 1. On 23 May 2012, the Secretary-General of the International Seabed Authority received an application for approval of a plan of work for exploration for polymetallic sulphides in the Area. The application was submitted pursuant to the Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area (ISBA/16/A/12/Rev.1, annex, "the Regulations") by the Institut français de recherche pour l'exploitation de la mer (IFREMER).
- 2. In accordance with regulation 22 (c) of the Regulations, by a note verbale dated 25 May 2012, the Secretary-General notified the members of the Authority of the receipt of the application and circulated information of a general nature concerning it. The Secretary-General also placed consideration of the application as an item on the agenda of the Legal and Technical Commission at its meeting held from 9 to 19 July 2012.

II. Methodology and consideration of the application by the Legal and Technical Commission

A. General methodology applied by the Commission in consideration of the application

3. In its consideration of the application, the Commission noted that, in keeping with the scheme established in article 6 of annex III to the United Nations Convention on the Law of the Sea, it was first required to make an objective determination as to whether the applicant had fulfilled the requirements contained in the Regulations, particularly with respect to the form of applications; whether the





applicant had provided the necessary undertakings and assurances specified in regulation 15 of the Regulations; and whether it had the necessary financial and technical capability to carry out the proposed plan of work for exploration and, as appropriate, had discharged its obligations under any previous contract with the Authority. The Commission is then required to determine, in accordance with regulation 23 (4) of the Regulations and its procedures, whether the proposed plan of work will provide for effective protection of human health and safety, effective protection and preservation of the marine environment, and will ensure that installations are not established where interference may be caused with the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity. Regulation 23 (5) of the Regulations goes on to provide that:

"If the Commission makes the determinations specified in paragraph 3 and determines that the proposed plan of work for exploration meets the requirements of paragraph 4, the Commission shall recommend approval of the plan of work for exploration to the Council."

4. In considering the proposed plan of work for exploration for polymetallic sulphides, the Commission took into account the principles, policies and objectives relating to activities in the Area as provided for in part XI and annex III of the Convention and in the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea adopted in 1994.

B. Consideration of the application

- 5. The Commission considered the application in closed meetings on 9, 11, 12, 16 and 17 July 2012.
- 6. Prior to commencing a detailed examination of the application, the Commission invited Dr. Yves Fouquet (Head of the geochemistry and metallogeny laboratory, Marine Geosciences Department, IFREMER) to make a presentation of the application. Members of the Commission then asked questions to clarify certain aspects of the application before convening in closed session to examine the application in detail.

III. Summary of basic information regarding the application

A. Identification of the applicant

- 7. The name and address of the applicant are as follows:
 - (a) Name: Institut français de recherche pour l'exploitation de la mer;
- (b) Street address: 155, rue Jean-Jacques Rousseau, 92138 Issy-Les-Moulineaux Cedex, France;
 - (c) Postal address: as above;
 - (d) Telephone number: 33 (0)1 46 48 21 09;
 - (e) Fax number: 33 (0)1 46 48 21 20;
 - (f) E-mail address: mineral.resources@ifremer.fr.

- 8. The applicant's designated representative is:
 - (a) Name: Jean-Yves Perrot;
 - (b) Street address of applicant's designated representative: same as above;
 - (c) Postal address: as above;
 - (d) Telephone number: 33 (0)1 46 48 22 87;
 - (e) Fax number: 33 (0)1 46 48 22 48;
 - (f) E-mail address: Jean. Yves. Perrot@ifremer.fr.
- 9. The applicant's place of registration is Nanterre Register of Companies; and the principal place of business/domicile: 155, rue Jean-Jacques Rousseau, 92138 Issy-Les-Moulineaux Cedex, France. The applicant provided a copy of the extract from the Register of Companies as of 16 January 2012.

B. Sponsorship

- 10. The sponsoring State is France.
- 11. The date of deposit of instrument of ratification by France of the United Nations Convention on the Law of the Sea and date of the ratification of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 is 11 April 1996.
- 12. The date of the certificate of sponsorship is 3 May 2012; it was issued by Alain Juppé, Minister of State for Foreign and European Affairs of the Government of France. In the accompanying letter, the sponsoring State declared that it had decided that, as part of its national strategy on deep-sea mineral resources, an application for exploration for polymetallic sulphides would be submitted to the Authority and the operator would be IFREMER. The applicant provided the decree on the establishment, organization and operation of IFREMER and the decree on the appointment of the applicant's designated representative.
- 13. The certificate of sponsorship states that the Government of France assumes responsibilities for the activities of the applicant in accordance with article 139, article 153, paragraph 4, and annex III, article 4, paragraph 4, of the Convention. The sponsoring State declares that the applicant is a public institution which is placed under its effective control.

C. Area of application

14. The area under application is situated along the Mid-Atlantic Ridge between latitudes 20°57'46"N and 26°20'29"N, and between longitudes 46°37'42"W and 44°37'20"W. It consists of 100 blocks measuring approximately 10 km by 10 km each which are grouped into six clusters, each containing from 5 to 25 blocks. The clusters of blocks are not contiguous, but are proximate and confined within a rectangular area not exceeding 300,000 km² in size and where the longest size does not exceed 1,000 km in length. The coordinates and general location of the area under application are shown in annex I to the present document.

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D. Other information

- 15. The date of receipt of application is 23 May 2012.
- 16. The applicant's previous contracts with the Authority are as follows:
- (a) Date of the previous contract: IFREMER and the Authority signed a contract for exploration for polymetallic nodules in the Area on 20 June 2001;
- (b) The reports submitted to the Authority in connection with the contract for exploration for polymetallic nodules are listed in the application;
 - (c) The date of expiration of the contract: 19 June 2016.
- 17. The applicant attached a written undertaking, which is dated 27 April 2012 and signed by the applicant's designated representative in compliance with regulation 15 of the Regulations.
- 18. The applicant elects to offer an equity interest in a joint venture arrangement in accordance with regulation 19 of the Regulations.
- 19. The applicant has paid a fee of US\$ 500,000 in accordance with regulation 21 (1) (a) of the Regulations.

IV. Examination of information and technical data submitted by the applicant

- 20. The following technical documents and information were submitted in the application:
 - (a) Information relating to the area under application:
 - (i) Charts of the location of the blocks;
 - (ii) A list of the coordinates of the corners of blocks under application;
 - (b) A certificate of sponsorship;
- (c) Information to enable the Council to determine whether the applicant is financially capable of carrying out the proposed plan of work for exploration;
- (d) Information to enable the Council to determine whether the applicant is technically capable of carrying out the proposed plan of work for exploration;
 - (e) Plan of work for exploration;
 - (f) Training programme;
 - (g) Written undertakings by the applicant.

V. Consideration of financial and technical qualifications of the applicant

A. Financial capacity

21. In evaluating the financial capacity of the applicant, the Commission noted that the applicant had provided a statement by the sponsoring State certifying that the applicant had the necessary financial resources to meet the estimated costs of the proposed plan of work for exploration in accordance with regulation 13 (3) of the Regulations. The applicant also submitted audited financial statements. The applicant stated that it had protection and indemnity liability insurance for damage caused by the operation of its research vessels and a specialist operation clause guarantee for damage, including environmental damage, caused by equipment deployed from its research vessels.

B. Technical capacity

- 22. In evaluating the technical capacity of the applicant, the Commission noted that the applicant had been involved in hydrothermal vents research from their discovery and had conducted extensive studies in the North Atlantic, and specifically in the area under the application. The applicant provided details about previous research cruises. The applicant also indicated that it was a contractor for exploration for nodules in the Area.
- 23. The applicant provided information related to the prevention, reduction and control of hazards and possible impacts to the marine environment. This included the description of a plan for a programme for oceanographic and environmental baseline studies to ensure that the exploration activities cause minimal impact on the marine environment. The applicant listed the main equipment that would be used for the proposed activities, including detailed specifications. The applicant provided an extensive list of scientific studies in relation to the application. The applicant stated that it would investigate both active and inactive hydrothermal vent areas. The applicant further stated that it would encourage ongoing scientific research in connection with hydrothermal vent areas, for example in the Trans-Atlantic Geotraverse (TAG), in accordance with article 143 of the Convention.

VI. Consideration of data and information submitted for approval of the plan of work for exploration

- 24. In accordance with regulation 20 of the Regulations, the applicant submitted the following information for approval of the plan of work for exploration:
- (a) A general description and a schedule of the proposed exploration programme, including the programme of activities for the immediate five-year period;
- (b) A description of the programme for oceanographic and environmental baseline studies in accordance with these Regulations and any environmental rules, regulations and procedures established by the Authority that would enable an assessment of the potential environmental impact including, but not restricted to, the

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impact on biodiversity, of the proposed exploration activities, taking into account any recommendations issued by the Legal and Technical Commission;

- (c) A preliminary assessment of the possible impact of the proposed exploration activities on the marine environment;
- (d) A description of proposed measures for the prevention, reduction and control of pollution and other hazards, as well as possible impacts, to the marine environment;
- (e) Data necessary for the Council to make the determination it is required to make in accordance with regulation 13, paragraph 1;
- (f) A schedule of anticipated yearly expenditures in respect of the programme of activities for the immediate five-year period.

VII. Training programme

25. The Commission noted that the applicant had indicated that, in accordance with regulation 29 and section 8 of annex 4 to the Regulations, the contractor would draw up training programmes in cooperation with the Authority.

VIII. Conclusion and recommendations

- 26. Having examined the particulars submitted by the applicant, which are summarized in sections III to VII above, the Commission is satisfied that the application has been duly submitted in accordance with the Regulations and that the applicant is a qualified applicant within the meaning of annex III, article 4, of the Convention. The Commission is further satisfied that the applicant:
 - (a) Has complied with the provisions of the Regulations;
- (b) Has given the undertakings and assurances specified in regulation 15 of the Regulations;
- (c) Possesses the financial and technical capability to carry out the proposed plan of work for exploration.
- 27. The Commission states that none of the conditions in regulation 23 (6) of the Regulations apply.
- 28. With respect to the proposed plan of work for exploration, the Commission is satisfied that the proposed plan will:
 - (a) Provide for effective protection of human health and safety;
- (b) Provide for effective protection and preservation of the marine environment;
- (c) Ensure that installations are not established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity.
- 29. Accordingly, pursuant to regulation 23 (5), the Commission recommends that the Council approve the plan of work for exploration for polymetallic sulphides submitted by the Institut français de recherche pour l'exploitation de la mer.

Annex I

List of coordinates of the general location of the area under application
(In decimal degrees following the World Geodetic System 1984 geographical projection system.)

		NW coordinates		NE coordinates		SE coordinates		SW coordinates			
Cluster	Block No.	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	$Area\ (km^2)$	
1	1	26.24728	-44.84244	26.24713	-44.74231	26.15684	-44.74251	26.15698	-44.84256	100	
	2	26.24713	-44.74231	26.24692	-44.64218	26.15662	-44.64245	26.15684	-44.74251	100	
	3	26.15698	-44.84256	26.15684	-44.74251	26.06654	-44.74271	26.06668	-44.84268	100	
	4	26.15684	-44.74251	26.15662	-44.64245	26.06633	-44.64273	26.06654	-44.74271	100	
	5	26.06676	-44.94266	26.06668	-44.84268	25.97639	-44.84280	25.97646	-44.94271	100	
•	6	26.06668	-44.84268	26.06654	-44.74271	25.97624	-44.74290	25.97639	-44.84280	100	
•	7	26.06654	-44.74271	26.06633	-44.64273	25.97603	-44.64300	25.97624	-44.74290	100	
•	8	25.97646	-45.04261	25.97646	-44.94271	25.88616	-44.94275	25.88617	-45.04258	100	
•	9	25.97646	-44.94271	25.97639	-44.84280	25.88609	-44.84292	25.88616	-44.94275	100	
	10	25.88610	-45.14240	25.88617	-45.04258	25.79586	-45.04254	25.79580	-45.14229	100	
•	11	25.88617	-45.04258	25.88616	-44.94275	25.79586	-44.94279	25.79586	-45.04254	100	
•	12	25.88616	-44.94275	25.88609	-44.84292	25.79579	-44.84304	25.79586	-44.94279	100	
•	13	25.79580	-45.14229	25.79586	-45.04254	25.70556	-45.04251	25.70550	-45.14219	100	
	14	25.79586	-45.04254	25.79586	-44.94279	25.70556	-44.94284	25.70556	-45.04251	100	
	15	25.79586	-44.94279	25.79579	-44.84304	25.70549	-44.84316	25.70556	-44.94284	100	
	16	25.70537	-45.24186	25.70550	-45.14219	25.61520	-45.14208	25.61507	-45.24168	100	
	17	25.61487	-45.34128	25.61507	-45.24168	25.52476	-45.24150	25.52457	-45.34102	100	
	18	25.61507	-45.24168	25.61520	-45.14208	25.52489	-45.14197	25.52476	-45.24150	100	
	19	25.61520	-45.14208	25.61526	-45.04248	25.52496	-45.04245	25.52489	-45.14197	100	
	20	25.52457	-45.34102	25.52476	-45.24150	25.43446	-45.24132	25.43426	-45.34077	100	
	21	25.52476	-45.24150	25.52489	-45.14197	25.43459	-45.14187	25.43446	-45.24132	100	
2	22	25.29473	-45.43062	25.29499	-45.33129	25.20468	-45.33104	25.20442	-45.43030	100	
	23	25.20442	-45.43030	25.20468	-45.33104	25.11437	-45.33080	25.11412	-45.42999	100	
	24	25.20410	-45.52956	25.20442	-45.43030	25.11412	-45.42999	25.11380	-45.52917	100	
	25	25.18760	-45.62874	25.18799	-45.52949	25.09768	-45.52911	25.09730	-45.62828	100	
	26	25.09723	-45.64441	25.09763	-45.54524	25.00732	-45.54484	25.00692	-45.64394	100	
	27	25.00688	-45.65513	25.00728	-45.55603	24.91697	-45.55563	24.91657	-45.65465	100	
	28	24.91663	-45.64010	24.91703	-45.54108	24.82672	-45.54068	24.82633	-45.63964	100	
	29	24.82638	-45.62658	24.82676	-45.52763	24.73645	-45.52724	24.73607	-45.62613	100	
3	30	24.61602	-46.32638	24.61685	-46.22761	24.52656	-46.22673	24.52572	-46.32542	100	
	31	24.61685	-46.22761	24.61763	-46.12883	24.52733	-46.12802	24.52656	-46.22673	100	
	32	24.61763	-46.12883	24.61834	-46.03005	24.52803	-46.02932	24.52733	-46.12802	100	
	33	24.52572	-46.32542	24.52656	-46.22673	24.43626	-46.22585	24.43543	-46.32448	100	
	34	24.52656	-46.22673	24.52733	-46.12802	24.43703	-46.12722	24.43626	-46.22585	100	

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		NW coordinates		NE coordinates		SE coordinates		SW coordinates			
Cluster	Block No.	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Area (km²)	
-	35	24.52733	-46.12802	24.52803	-46.02932	24.43773	-46.02858	24.43703	-46.12722	100	
	36	24.43453	-46.42310	24.43543	-46.32448	24.34514	-46.32354	24.34424	-46.42209	100	
	37	24.43543	-46.32448	24.43626	-46.22585	24.34596	-46.22498	24.34514	-46.32354	100	
-	38	24.43626	-46.22585	24.43703	-46.12722	24.34673	-46.12642	24.34596	-46.22498	100	
-	39	24.34424	-46.42209	24.34514	-46.32354	24.25484	-46.32260	24.25395	-46.42109	100	
-	40	24.34514	-46.32354	24.34596	-46.22498	24.25567	-46.22411	24.25484	-46.32260	100	
-	41	24.34596	-46.22498	24.34673	-46.12642	24.25643	-46.12562	24.25567	-46.22411	100	
•	42	24.25395	-46.42109	24.25484	-46.32260	24.16455	-46.32167	24.16366	-46.42008	100	
•	43	24.25484	-46.32260	24.25567	-46.22411	24.16537	-46.22325	24.16455	-46.32167	100	
-	44	24.25567	-46.22411	24.25643	-46.12562	24.16612	-46.12483	24.16537	-46.22325	100	
-	45	24.16366	-46.42008	24.16455	-46.32167	24.07425	-46.32074	24.07337	-46.41909	100	
-	46	24.16455	-46.32167	24.16537	-46.22325	24.07507	-46.22239	24.07425	-46.32074	100	
-	47	24.16537	-46.22325	24.16612	-46.12483	24.07582	-46.12404	24.07507	-46.22239	100	
-	48	24.07337	-46.41909	24.07425	-46.32074	23.98395	-46.31982	23.98307	-46.41810	100	
-	49	24.07425	-46.32074	24.07507	-46.22239	23.98476	-46.22154	23.98395	-46.31982	100	
4	50	23.59491	-45.33584	23.59509	-45.23783	23.50476	-45.23767	23.50458	-45.33561	100	
-	51	23.59509	-45.23783	23.59521	-45.13982	23.50488	-45.13972	23.50476	-45.23767	100	
-	52	23.56711	-45.13979	23.56716	-45.04179	23.47684	-45.04177	23.47678	-45.13969	100	
-	53	23.53799	-45.04178	23.53799	-44.94381	23.44766	-44.94385	23.44767	-45.04176	100	
	54	23.50458	-45.33561	23.50476	-45.23767	23.41443	-45.23751	23.41425	-45.33538	100	
•	55	23.50476	-45.23767	23.50488	-45.13972	23.41455	-45.13963	23.41443	-45.23751	100	
•	56	23.47678	-45.13969	23.47684	-45.04177	23.38651	-45.04174	23.38645	-45.13960	100	
-	57	23.44767	-45.04176	23.44766	-44.94385	23.35733	-44.94389	23.35734	-45.04173	100	
	58	23.44766	-44.94385	23.44759	-44.84595	23.35727	-44.84605	23.35733	-44.94389	100	
	59	23.41425	-45.33538	23.41443	-45.23751	23.32410	-45.23734	23.32392	-45.33516	100	
	60	23.41443	-45.23751	23.41455	-45.13963	23.32422	-45.13953	23.32410	-45.23734	100	
-	61	23.38645	-45.13960	23.38651	-45.04174	23.29617	-45.04171	23.29612	-45.13950	100	
•	62	23.35734	-45.04173	23.35733	-44.94389	23.26700	-44.94393	23.26700	-45.04170	100	
	63	23.35733	-44.94389	23.35727	-44.84605	23.26693	-44.84616	23.26700	-44.94393	100	
	64	23.26701	-44.99608	23.26698	-44.89830	23.17665	-44.89837	23.17668	-44.99608	100	
	65	23.17668	-45.01083	23.17665	-44.91312	23.08632	-44.91318	23.08634	-45.01082	100	
	66	23.08633	-45.06038	23.08634	-44.96274	22.99601	-44.96276	22.99600	-45.06034	100	
	67	22.99600	-45.06034	22.99601	-44.96276	22.90567	-44.96279	22.90566	-45.06030	100	
5	68	22.73615	-45.05749	22.73616	-44.96010	22.64582	-44.96012	22.64581	-45.05745	100	
-	69	22.64576	-45.13750	22.64582	-45.04017	22.55548	-45.04015	22.55543	-45.13741	100	
-	70	22.64582	-45.04017	22.64581	-44.94285	22.55547	-44.94288	22.55548	-45.04015	100	
_	71	22.55543	-45.13741	22.55548	-45.04015	22.46514	-45.04012	22.46509	-45.13732	100	
·-	72	22.55548	-45.04015	22.55547	-44.94288	22.46513	-44.94292	22.46514	-45.04012	100	

		NW coordinates		NE coordinates		SE coordinates		SW coordinates		
Cluster	Block No.	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Area (km²)
	73	22.46509	-45.13732	22.46514	-45.04012	22.37480	-45.04010	22.37475	-45.13723	100
	74	22.46514	-45.04012	22.46513	-44.94292	22.37479	-44.94296	22.37480	-45.04010	100
	75	22.37475	-45.13723	22.37480	-45.04010	22.28446	-45.04007	22.28440	-45.13714	100
6	76	21.91159	-45.33175	21.91176	-45.23493	21.82141	-45.23479	21.82124	-45.33154	100
	77	21.82124	-45.33154	21.82141	-45.23479	21.73106	-45.23464	21.73090	-45.33134	100
	78	21.82141	-45.23479	21.82152	-45.13803	21.73117	-45.13794	21.73106	-45.23464	100
	79	21.73068	-45.42803	21.73090	-45.33134	21.64055	-45.33113	21.64033	-45.42776	100
	80	21.73090	-45.33134	21.73106	-45.23464	21.64071	-45.23449	21.64055	-45.33113	100
	81	21.73106	-45.23464	21.73117	-45.13794	21.64082	-45.13785	21.64071	-45.23449	100
	82	21.64033	-45.42776	21.64055	-45.33113	21.55020	-45.33092	21.54998	-45.42750	100
	83	21.64055	-45.33113	21.64071	-45.23449	21.55036	-45.23435	21.55020	-45.33092	100
	84	21.64071	-45.23449	21.64082	-45.13785	21.55047	-45.13777	21.55036	-45.23435	100
	85	21.54998	-45.42750	21.55020	-45.33092	21.45985	-45.33072	21.45963	-45.42724	100
	86	21.55020	-45.33092	21.55036	-45.23435	21.46001	-45.23420	21.45985	-45.33072	100
	87	21.55036	-45.23435	21.55047	-45.13777	21.46012	-45.13768	21.46001	-45.23420	100
	88	21.45936	-45.52375	21.45963	-45.42724	21.36928	-45.42697	21.36901	-45.52343	100
	89	21.45963	-45.42724	21.45985	-45.33072	21.36950	-45.33052	21.36928	-45.42697	100
	90	21.45985	-45.33072	21.46001	-45.23420	21.36966	-45.23406	21.36950	-45.33052	100
	91	21.36786	-45.81278	21.36830	-45.71633	21.27795	-45.71590	21.27751	-45.81229	100
	92	21.36830	-45.71633	21.36868	-45.61988	21.27833	-45.61950	21.27795	-45.71590	100
	93	21.36868	-45.61988	21.36901	-45.52343	21.27866	-45.52311	21.27833	-45.61950	100
	94	21.36901	-45.52343	21.36928	-45.42697	21.27893	-45.42671	21.27866	-45.52311	100
	95	21.36928	-45.42697	21.36950	-45.33052	21.27915	-45.33031	21.27893	-45.42671	100
	96	21.36950	-45.33052	21.36966	-45.23406	21.27931	-45.23391	21.27915	-45.33031	100
	97	21.27751	-45.81229	21.27795	-45.71590	21.18760	-45.71546	21.18717	-45.81179	100
	98	21.27795	-45.71590	21.27833	-45.61950	21.18798	-45.61913	21.18760	-45.71546	100
	99	21.18749	-45.74291	21.18788	-45.64658	21.09753	-45.64619	21.09714	-45.74246	100
	100	21.09714	-45.74246	21.09753	-45.64619	21.00718	-45.64580	21.00679	-45.74202	100

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Annex II

Map of the general location of the area under application

