



Council

Distr.: General
11 November 2022

Original: English

Twenty-seventh session

Council session, part III

Kingston, 31 October–11 November 2022

Agenda item 14

Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-seventh session

Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission

The Council of the International Seabed Authority,

Recalling its decision [ISBA/26/C/57](#),

1. *Takes note with appreciation* of the reports of the Chair of the Legal and Technical Commission on the work of the Commission at the first and second parts of its twenty-seventh session,¹ the hard work and considerable achievements of the Commission over the past six years (2017–2022) and the report of the Secretary-General on implementation of the decision of the Council in 2021 relating to the reports of the Chair of the Legal and Technical Commission, noting that it represented the fifth such report of the Secretary-General;²
2. *Notes with appreciation* the report of the Chair of the Commission³ to the Council summarizing stakeholder feedback on the phase 1 draft standards and guidelines,⁴ the reasons for the Commission's decisions, and the translations of the phase 1 draft standards and guidelines into the official languages of the Authority;
3. *Emphasizes* that the regulations, standards and guidelines must be an integrated package in order for them to be developed into requirements for submitted plans of work for exploitation, that the phase 1 draft standards and guidelines require in-depth consideration by the Council, as well as review, to ensure consistency with the draft regulations;
4. *Notes with appreciation* the Commission's consideration of annual reports on activities carried out by contractors in 2021, and welcomes the fact that contractors have generally continued to comply with the template issued by the Commission, have responded to questions raised by the Commission in the previous year, have

¹ [ISBA/27/C/16](#) and [ISBA/27/C/16/Add.1](#) and [ISBA/27/C/16/Add.2](#).

² [ISBA/27/C/27](#).

³ [ISBA/27/C/2](#).

⁴ See enclosure II to [ISBA/25/C/19/Add.1](#).



largely met the deadlines for submitting annual reports and have continued to carry out their programme of activities notwithstanding challenges posed by the ongoing coronavirus disease (COVID-19) pandemic;

5. *Urges* contractors to pursue the necessary improvements in their annual reports identified by the Commission, including the timely submission of annual reports, fulfilling their individual obligations for each contract and plan of work, the timely provision of expense information in line with the recommended format,⁵ to comply with the Commission's reporting templates⁶ and to undertake gap analyses to inform their data requirements with a view to enhancing the understanding of how they are developing their environmental baselines;

6. *Welcomes* the Secretary-General's engagement, through the Compliance Assurance and Regulatory Management Unit of the secretariat, with individual contractors on matters raised by the Commission and the secretariat's review of the responses of individual contractors, and requests the Secretary-General to continue the practice of communicating the various issues identified during the Commission's review of contractors' annual reports to the relevant contractors and sponsoring States, to follow up in writing with those contractors that repeatedly perform inadequately or incompletely against an approved plan of work or that have indicated that the implementation of the plan of activities will be made conditional on external factors regardless of the applicable contractual requirements, to request meetings with them and to write to the respective sponsoring States to bring that issue to their attention and request a meeting with the sponsoring States to address it;

7. *Requests* the Commission, beginning at the twenty-eighth session of the Authority, to annually name those contractors that have responded inadequately, or failed to respond, to the calls from the Council to address issues of concern identified by the Commission in relation to their contractual obligations;

8. *Requests* the Secretary-General to continue to report to the Council on an annual basis, identifying instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea,⁷ the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982⁸ and the regulations on prospecting and exploration, including any monetary penalties to be imposed by the Council, and urges the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under contracts for exploration, in accordance with article 139 of the Convention;

9. *Commends* the progress made towards increasing the transparency of exploration contracts, and requests the Secretary-General to continue to pursue dialogue with contractors who have not yet submitted templates on their plans of work;

10. *Also commends* contractors for their efforts in implementing their programme of activities and training programmes in spite of travel restrictions and other challenges relating to the ongoing COVID-19 pandemic, and notes the review of the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration by the training subgroup of the Commission, with a view to adopting a set of revised recommendations by the end of 2022;

⁵ See annex IV to [ISBA/21/LTC/15](#) and [ISBA/21/LTC/15/Corr.1](#).

⁶ See [ISBA/21/LTC/15](#).

⁷ United Nations, *Treaty Series*, vol. 1833, No. 31363.

⁸ *Ibid.*, vol. 1836, No. 31364.

11. *Notes* the Commission's consideration of an application for approval of a plan of work for exploration for polymetallic nodules submitted by Circular Metals Tuvalu Ltd. and that, following the sponsoring State's termination of sponsorship, there was effectively no application to consider, and requests the Secretary-General to remind applicants of the requirements of article 153 of the Convention;

12. *Takes note of* the Commission's development of a draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration,⁹ and requests the Commission to continue to revise its draft once the Council has considered issues relating to the transfer of rights and obligations under a contract for exploitation in the draft regulations for exploitation, as well as relevant issues related to effective control;

13. *Expresses its appreciation* for the Commission's development of the draft standardized procedure for the development, review and approval of regional environmental management plans and the template with the minimum requirements, and requests the Commission to revise the draft standardized procedure, taking into account the Council's comments as summarized by the President of the Council, the submissions in 2019 by Germany and the Netherlands, co-sponsored by Costa Rica, and written comments to be submitted by delegations by 15 January 2023, and provide the rationale for its decisions;

14. *Also expresses its appreciation* for the Commission's development of the draft regional environmental management plan for the Area of the northern Mid-Atlantic Ridge, and requests the Commission to review the draft after the standardized procedure for the development, review and approval of regional environmental management plans and the template have been adopted by the Council, in the light of the Council's comments;

15. *Welcomes* the Commission's review and adoption of revised recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area¹⁰ to provide guidance to contractors on stakeholder consultation;

16. *Requests* the Commission to clarify the criteria for the use of the silence procedure in the adoption of decisions;

17. *Also requests* the Commission, in relation to its current process for reviewing environmental impact statements in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration, contained in paragraph 41 of [ISBA/25/LTC/6/Rev.2](#), to include in the steps of the process that any recommendation of the Commission to the Secretary-General on the basis of paragraph 41 (e), including its underlying rationale, also be sent to the Council for informational purposes and that the recommendation, along with the final environmental impact assessment, be published on the website of the Authority;

18. *Urges* the Commission to hold open meetings, where appropriate, and to allow for greater transparency in its work;

19. *Requests* the Commission to provide recommendations to the Council on how the procedures of the Commission could be further improved to provide for more transparency while maintaining its effective operation and recognizing the need to ensure the confidentiality of data and information;

⁹ See [ISBA/27/C/35](#).

¹⁰ See [ISBA/25/LTC/6/Rev.2](#), which replaces [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#), effective 8 July 2022.

20. *Notes* the Commission's review of the environmental impact statement and the environmental management and monitoring plan from Nauru Ocean Resources Inc. (NORI)¹¹ and its adoption, through a three-day silence procedure, of the recommendation to the Secretary-General that the completed environmental impact statement be included in the programme of NORI activities under its exploration contract,¹² of which the Secretary-General notified NORI, together with a request to report the results of its test of mining components in its next annual report, and that the Compliance Assurance and Regulatory Management Unit of the secretariat has notified NORI of its intention to conduct an inspection of its activities pursuant to the exploration regulations;

21. *Takes note* of the measures used to ensure the confidentiality of the work of the Commission in a virtual format;

22. *Welcomes* the progress made by the secretariat towards the implementation of the data management strategy of the Authority, including public access to non-confidential data, its continued collaboration with the International Hydrographic Organization in relation to the compilation of bathymetric data, including through the Area 2030 initiative, and continued scientific work and interpretation from its DeepData database with the assistance of experts from developing countries;

23. *Also welcomes* the report of the Secretary-General¹³ concerning the operationalization of the Economic Planning Commission, including its financial implications, and that that item is to be reviewed at the twenty-eighth session of the Council;

24. *Further welcomes* the report of the Special Representative of the Secretary-General of the Authority for the Enterprise¹⁴ and takes note of the draft decision of the Group of African States;

25. *Calls upon* contributions to the voluntary trust fund to support the participation of members of the Council of the Authority from developing States in the meetings of the Council to secure the continued participation of developing States at this critical juncture in the development of the regulatory framework of the Authority;

26. *Requests* the Secretary-General to report to the Council on the implementation of the present decision at its twenty-eighth session, in 2023, and that such annual reporting remain on the agenda of the Council as a standing item.

*296th meeting
11 November 2022*

¹¹ See [ISBA/27/C/16/Add.1](#).

¹² See [ISBA/27/C/16/Add.2](#).

¹³ [ISBA/27/C/25](#).

¹⁴ [ISBA/27/C/34](#).