

# Template for the review of the draft standards and guidelines associated with the Draft regulations on exploitation of mineral resources in the Area

## I. Background

1. The Draft regulations on exploitation of mineral resources in the Area (<u>ISBA/25/C/WP.1</u>) require that certain issues are addressed in accordance with, or taking into account, standards and guidelines to be developed by the organs of the Authority. The standards will be adopted by the Council and will be legally binding on Contractors and the Authority, whereas the guidelines will be issued by the Legal and Technical Commission or the Secretary-General and will be recommendatory in nature.

2. Stakeholders consultations are an integral part of the process decided upon by the Commission for the development of the standards and guidelines (ISBA/25/C/19/Add.1).

3. The Legal and Technical Commission will consider the comments received through the stakeholders consultation at its next session.

4. The drafts include a cover page containing substantive background and contextual information on the approach taken by the Commission in developing each standard and guidelines. Review comments are not being sought on this background information.

5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and Commission once the content of the various standards and guidelines is finalized following stakeholders consultations.

## II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to <u>ola@isa.org.jm</u>, at your earliest convenience but **no later than the date announced on the ISA website for the relevant draft standards and guidelines.** 

7. When submitting comments, please adhere to the following guidance as much as possible:

- a. Please provide all comments in writing and in an MS Word .doc or .docx format using the table provided below.
- b. The table format allows for an unlimited number of comments to be added. To add more comments, you may add more rows.

- c. Please provide full contact information for the individual/Government/organization submitting the comments.
- d. Please avoid commenting on issues related to format, grammar, spelling or punctuation, unless it affects the overall meaning of the text, as the document will be formatted and edited when the final draft is prepared.
- e. To facilitate the revision process please be as specific as possible in your comments. In areas where you feel additional or alternative text or information is required, please suggest what this text may look like or what information should be included.
- f. Text may be copied from the draft into the table if stakeholders wish to use "track changes" in editing text (this is encouraged to ensure accuracy and avoid numbering errors).
- g. If you refer to additional sources of information, please include these with your comments when possible or provide a complete reference or hyperlink.
- h. All review comments will be posted on the ISA website, unless otherwise requested by the submitting entity.

8. Should you have any questions regarding the review process, please contact <u>ola@isa.org.jm</u>.

### III. <u>Template for Comments</u>

9. Please use the review template below when providing comments.

10. Line and page numbers have been provided in the drafts. Please use these as a reference as illustrated in the table below.

Document reviewed		
Title of the draft	Plan of work for exploitation	
being reviewed:		
Contact information		
Surname:	Carvalho	
Given Name:	Sergio	
Government (if	Ministry of Foreign Affairs	
applicable):		
Organization (if	Permanent Representation of Portugal to the United Nations	
applicable):		
Country:	Portugal	
E-mail:	sergio.carvalho@mne.pt	

### **TEMPLATE FOR COMMENTS**

Specific Comments						
Page	Line	Comment				
4	Table Row 1	It is important to include the information provided by the Contractor in an application for the approval of a Plan of Work for Exploitation documentation that explicitly reflects the Contractor's compliance of Regulation 4 in its entirety. Towards this end, please add, as a sub item of "information relating to the area under application" the following sentence: "If the area under application is adjacent to areas under the jurisdiction or sovereignty of a coastal State, Contractor shall present documentation evidencing its compliance of Regulation 4, including consultations with the relevant coastal State(s)".				
7	Table Row 5	Please add, "A proposal for an Environmental Performance Guarantee" as it is mentioned in paragraphs 16 and 32 of the draft standards and guidelines on the form of an Environment Performance Guarantee.				
9	54 Flow chart – After approval of a plan of work	Please replace in the middle box from the left side "Contractor may revise Environmental Plans within 30 days" with "Contractor shall revise Environmental Plans within 30 days"				
9	54 Flow chart – Note on the timeline	We suggest considering a new factor "3) Calendar of meetings planned for the Commission and the number of applications to be considered".				
9	54 Flow chart – Material	We suggest that in the flow chart it should be stated who will be responsible for deciding on the existence of any "Material Change to Plan of Work".				

	Change		
	to Plan		
	of Work		
Additional rows can be added to this table by selecting "Table" followed by "insert" and "rows			
below"			

Comments should be sent by e-mail to ola@isa.org.jm