

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. Stakeholder consultation is an integral part of the process decided upon by the Commission for the development of the standards and guidelines (<u>ISBA/25/C/19/Add.1</u>).

3. The Legal and Technical Commission will consider the comments received through stakeholder consultation during its current session.

4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.

5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

II. <u>Submitting Comments</u>

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 by the Legal and Technical Commission.
- 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. Template for Comments

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	Draft standard and guidelines on the form and calculation of an	
being reviewed:	Environmental Performance Guarantee developed by the Legal and	
	Technical Commission	
Contact information		
Surname:	Charles	
Given Name:	Eden	
Government (if		
applicable):		
Organization (if	Special Representative of the Secretary-General for the Enterprise	
applicable):		
Country:		

TEMPLATE FOR COMMENTS

E-mail:	subama@yahoo.com			
	General Comments			
The Special Representative commends the LTC for its work in preparing Draft Standards and Guidelines on the form and calculation of an Environmental Performance Guarantee as they would assist in the implementation of the Exploitation Code when adopted.				
The Special Representative is of the view that the draft Environmental Performance Guarantee (EPG) Standard should be unambiguous and ensure that there is no augmenting of obligations in relation to contractor insurance and the Environmental Compensation Fund. This is essential as pursuant to Section 2, paragraph 4 of the Annex to the 1994 Agreement, the Enterprise will be subjected to the same obligations as contractors. Therefore no undue financial burden should be placed on the Enterprise as it may also be less resourced than private contractors.				
The Special Representative is also of the view that there should be harmony of the language of the EPG Standards and Guidelines with Draft Exploitation Regulations 5, in particular Regulation 26 in order to clearly indicate whether reference to Standards in the EPG Standards and Guidelines would be legally binding, as a reading of said draft exploitation regulations provides for Guidelines, which are not intended to be legally binding.				
Accordingly, consideration should be given to a revision of the language in the relevant parts of the text in order to address the issues raised in the preceding paragraphs.				
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Specific Comments				

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