

Briefing Paper on the work on the draft regulations

Prepared by the President of the Council

I. Background

1. This Briefing Paper seeks to address how the Council will progress its work on the draft exploitation regulations during the remaining part of the 28th session for 2023.
2. The Council will recall that during the first part of the 27th session, and in line with its decision ISBA/26/C/11, the Council advanced discussions on the draft exploitation regulation through its informal working groups and the open-ended working group. This work will continue during the remaining part of the 28th session.
3. Currently, each informal working group and the OEWG are considering different parts of the draft regulations and the remaining elements are handled by the President in plenary in an informal manner. The allocation of tasks is listed in the annex to this briefing note.

II. The way forward

4. Some delegations have requested a consolidation of the draft exploitation regulations handled by the different groups, while other delegations have suggested waiting for further development in the groups before the respective texts are consolidated into a single document. Considering that the work must be advanced in the different groups, and considering the wish for flexibility from the different working groups to release their texts as soon as they become ready, it is recommended that the texts be kept separate for the time being, with an aim of consolidating the texts by the end of the 28th session. In this regard, it is also my recommendation that the final round of substantive submissions be for the November session. Delegations are kindly requested to refrain from submitting proposals that are mostly grammatical, as this will be handled later when a harmonized and consolidated text of the full draft exploitation regulations will be prepared.
5. In addition to the work carried out by the informal working groups, valuable intersessional work has also been carried out, which has considerably advanced some important elements of the respective texts. The President encourages the intersessional working groups to also work horizontally and attempt to identify throughout the draft exploitation regulations where the work of the particular groups might have an impact on other sections of the draft exploitation regulations.
6. During the negotiations of the draft exploitation regulations in July 2023, I suggest avoiding a paragraph-by-paragraph reading but instead attempting to identify the conceptual elements that need to be resolved section by section. I particularly encourage delegations to also identify which elements they can agree on, and which elements need further work. It is also my view that the delegations, to the extent possible, should advance their work in smaller informal groups during the two weeks of

council meetings. At this critical juncture, I believe smaller informal face-to-face meetings are conducive and will advance the work even further. I encourage the proponents of specific issues to meet with those who require further clarification or wish to advance alternative proposals to attempt to resolve the differences and report the outcomes of the work at each forthcoming informal meeting of the respective groups. In this regard, I should also underline the importance of respecting that no meetings should be held in parallel (ISBA/26/C/11). Moreover, I encourage delegations to retain the maximum flexibility in terms of working methodologies and in finding creative ways to resolve outstanding matters.

7. Finally, in respect of the organization of the Council's work and discussions after the July meeting, I would like to invite delegations to reflect on the updating of the road map (ISBA/27/C/21/Add.2, Annex II), with an aim of discussing this at the end of the second week of the Council meetings.

8. The above is, of course, without prejudice to any work being carried out by the Council and the working groups and in that regard, I shall recall that "*nothing is agreed until everything is agreed*" and should solely be seen as a proposal for a way forward during this session.

Kingston, 29 June 2023

Annex I – Distribution of regulations across the various working groups of the Authority.

DRAFT REGS	WORKING GROUPS/PLENARY
PREAMBLE	PRESIDENT'S TEXT
DR 1-16	IWG Institutional Matters
DR 17-22	PRESIDENT'S TEXT
DR 23	OEWG on Financial Matters
DR 24-26	PRESIDENT'S TEXT
DR 27	OEWG on Financial Matters
DR 28-37	PRESIDENT'S TEXT
DR 38-39	OEWG on Financial Matters
DR 40-43	PRESIDENT'S TEXT
DR 44-56	IWG on Environmental Matters
DR 57-58	IWG Institutional Matters
DR 59-61	IWG on Environmental Matters
DR 62-83	OEWG on Financial Matters
DR 84-88	IWG Institutional Matters
DR 89	OEWG on Financial Matters
DR 90-92	IWG Institutional Matters
DR 93-95	PRESIDENT'S TEXT
DR 96-105	IWG on ICE
DR 106-107	IWG Institutional Matters
ANNEX I	PRESIDENT'S TEXT
ANNEX II	PRESIDENT'S TEXT
ANNEX III	PRESIDENT'S TEXT
ANNEX IV	IWG on Environmental Matters
ANNEX V	PRESIDENT'S TEXT
ANNEX VI	PRESIDENT'S TEXT
ANNEX VII	IWG on Environmental Matters
ANNEX VIII	IWG on Environmental Matters
ANNEX IX	PRESIDENT'S TEXT
ANNEX X	PRESIDENT'S TEXT
ANNEX X TER	IWG on Environmental Matters

APPENDIX I	PRESIDENT'S TEXT
APPENDIX II	IWG Institutional Matters
APPENDIX III	IWG Institutional Matters
APPENDIX IV	OEWG on Financial matters
SCHEDULE	PRESIDENT'S TEXT (with specific definitions assigned to other IWGs)