



Council

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Council session, part II
Kingston, 10–21 July 2023

Statement of the President on the work of the Council of the International Seabed Authority during the second part of the twenty-eighth session

I. Resumption of the session

1. At the 302nd meeting of the Council, on 10 July, the President, Juan José González Mijares (Mexico) declared open the second part of the twenty-eighth session of the Council. During the second part of the session, the Council held eight plenary meetings (302nd to 308th meetings) and 15 informal meetings in line with the roadmap approved by the Council in December 2022.¹

II. Report of the Secretary-General on the credentials of members of the Council

2. At the 305th meeting, on 17 July 2023, the Secretary-General reported that, as at that date, formal credentials had been received from 27 members of the Council and information concerning the appointment of representatives had been communicated by means of facsimile or initialled notes verbale from five members of the Council.

III. Election to fill a vacancy on the Legal and Technical Commission in accordance with article 163, paragraph 7 of the United Nations Convention on the law of the Sea

3. At the 302nd meeting, the Council elected Ms. Rebecca Hitchin (United Kingdom of Great Britain and Northern Ireland) as a member of the Legal and Technical Commission for the remainder of the term of Mr. Jon Copley who resigned on 27 January 2023.

¹ See Annex II, [ISBA/27/C/21/Add.2](#), also see further details under paragraph 8 of this report.

IV. Report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters

4. At the 305th meeting, the Council took note of the report by the Secretary-General on the status of national legislation relating to deep seabed mining and related matters.²

V. Report on proposed amendments to the statute of the International Civil Service Commission

5. At the 305th meeting, the Council took note of the report on proposed amendments to the Statute of the International Civil Service Commission³ and recommended to the Assembly that it accept the amendments to the Statute adopted by the General Assembly of the United Nations in its resolution 77/256 A.

VI. Report of the Secretary-General on the implementation of the decision of the Council in 2022 relating to the reports of the Chair of the Legal and Technical Commission

6. At its 305th meeting, the Council took note of the report of the Secretary-General on the implementation of the decision of the Council in 2022 relating to the reports of the Chair of the Legal and Technical Commission.⁴

7. A number of delegations shared their concerns over the late submission by some Contractors of their annual reports and the five-year periodic review reports. Some delegations supported a recommendation by the Secretary-General that late submission of reports should trigger an automatic written warning and monetary penalty. However, other delegations expressed caution and highlighted that any penalty should be commensurate with the nature of the violation and should take into account any extenuating circumstances. Some delegation suggested better dialogue with contractors to address issues of incomplete or partial compliance. Some delegations suggested that the criteria for the imposition of such penalties could be based on what applies under national legislation and recalled that a reasonable opportunity should be provided to contractors before resorting to monetary fines. Several delegations suggested that the Authority should develop a compliance strategy and policy and that the Legal and Technical Commission should revisit the periodic review process and issue appropriate recommendations.

VII. Draft regulations on exploitation of mineral resources in the Area

8. The Council continued its work on the draft regulations for exploitation of mineral resources in the Area, working in informal meetings with the full participation of other members of the Authority and observers, in line with the roadmap approved by the Council in December 2022. The Open-ended Working Group in respect of the Development and Negotiation of the Financial Terms of a Contract (OEWG) held four meetings, on 10 and 11 July 2023. The Informal Working Group on the Protection and Preservation of the Marine Environment held three meetings, on 12 and 13 July 2023. The Informal Working Group on Inspection, Compliance, and Enforcement held two meetings, on 13 July and 14 July 2023. The Informal Working Group on Institutional matters held four meetings, on 17,18 and 19 July 2023. Two meetings were dedicated to consideration of the President's text, on 19 and 20 July 2023.

² See [ISBA/28/C/17](#).

³ See [ISBA/28/A/5-ISBA/28/C/14](#).

⁴ See [ISBA/28/C/15](#).

9. At the 307th meeting, on 21 July, the Council took note of all oral reports by the Chair of OEWG, facilitators and co-facilitators for informal working groups and the summary on consideration of the President's text (See Annex).

10. At its 304th meeting, on 14 July 2023, the Council considered the report of the co-facilitators, Mr. Hugo Verbist (Belgium) and Mr. Tan Soo Tet (Singapore) on the informal intersessional dialogue established under Council decision ISBA/27/C/45 and Council decision ISBA/28/C/9.⁵ At the request of the Council, the co-facilitators held informal consultations on the margins of the Council meetings.

11. At its 307th and 308th meetings, on 21 July 2023, the Council considered a draft roadmap prepared by the President for the future organization of the Council's work on the draft regulations and associated standards and guidelines during the third part of the twenty-eighth session in 2023 (30 October to 8 November 2023) and for the first and second parts of the twenty-ninth session of the Council, respectively in March and July 2024. The Council also received oral reports from the co-facilitators of the informal intersessional dialogue on their consultations with delegations. After further informal consultations among interested delegations, two draft decisions were presented to the Council for its consideration. At the 308th meeting, the Council adopted simultaneously a decision on a timeline following the expiration of the two-year period pursuant to section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea Council⁶ and a decision relating to the understanding and application of section 1, paragraph 15, of the Annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea.⁷

VIII. Matters relating to the Enterprise

12. At the 307th meeting, the Council considered a proposal submitted by the African Group and adopted a decision relating to the establishment of the position of an interim director general of the Enterprise.⁸

IX. Operationalization of the Economic Planning Commission

13. At the 306th meeting, the Council agreed to keep the matter under review for further consideration at its meetings in November 2023.

X. Report of the Chair of the Legal and Technical Commission

14. At the 303rd meeting, on 13 July, the Chair of the Legal and Technical Commission, Erasmo Lara Cabrera (Mexico) presented a report on the work of the Commission at the first part of its twenty-eighth session.⁹

15. The Council considered the report of the Chair of the Commission at its 306th meeting, on 20 July 2023. Many delegations expressed strong support for the work undertaken by the Commission during the first and second parts of the twenty-eighth session and welcomed the level of detail contained in the report. Delegations also acknowledged with appreciation the efforts undertaken under the contractor training programme, in particular to advance the empowerment and leadership of women in marine scientific research. They also welcomed the

⁵ Co-Facilitators' Second Briefing Note to the Council on the informal intersessional dialogue established under Council decision ISBA/27/C/45 and Council decision ISBA/28/C/9, which is available at <https://www.isa.org.jm/session-28-council-part-2/>.

⁶ See ISBA/28/C/24.

⁷ See ISBA/28/C/25.

⁸ See ISBA/28/C/23.

⁹ See ISBA/28/C/5/Add.1.

launch of the See Her Exceed (SHE) mentoring programme under the Women in Deep-Sea Research project.

16. In relation to the review of annual reports of contractors, several delegations focused on the question of naming of contractors. Several delegations expressed their disappointment in not seeing contractors named as had been requested by the Council. Some delegations expressed interest in being informed on the legal aspects and other criteria considered by the Commission, noting that this would assist in developing a clear methodology on a non-discriminatory basis. Some delegations expressed concern about the position taken by some contractors to delay further exploration work pending greater clarity on the legal framework in place for exploitation. Concerns were also raised about the variation in work undertaken by contractors, noting that whilst some had begun testing of mining system components, others remained in the stage of conceptual design of mining system and technology.

17. With respect to the development of binding environmental threshold values as a key component of the mining code, some delegations highlighted the urgency of this work and urged the Commission to prioritize this work as part of phase I standards and guidelines. Some delegations expressed their concern about the limitation on the number of experts to be appointed to the intersessional expert groups established by the Commission, emphasising the need to ensure broad representation, inclusivity and transparency. Some delegations also made suggestions on the nomination and selection process for the experts, including to ensure representation of relevant expertise and geographic representation.

18. A number of delegations highlighted that the development of the standardized procedure for regional environmental management plans should be prioritised. Some delegations highlighted the leading role of the Commission in the development and review of regional environmental management plans, and the value, when the Commission deems necessary, of consulting external experts.

19. Some delegations also welcomed the informal dialogue held on 12 July 2023 between some members of the Commission and the members of the Authority, and encouraged the Commission to make further efforts to increase outreach and ensure broad participation in the work of the Commission, including holding open meetings or webinars on the development of binding environmental thresholds and regional environmental management plans.

20. The Secretary- General made an appeal for contributions to the voluntary trust fund to support members of the Legal and Technical Commission and highlighted that the robust work undertaken by the Commission was largely dependent on the availability of funding for full participation.

21. At the same meeting, the Council adopted a decision on the deferral of the schedule of relinquishment upon request by the Government of India.¹⁰

22. The President of the Council invited the Council to consult intersessionally on the content of a decision on the report of the Chair of the Commission, to be considered and adopted at the third part of the session in November 2023.

XI. Cooperation with other relevant international organizations.

23. At its 306th meeting, on 20 July, the Council approved the Agreement of cooperation between the International Labour Organization and the International Seabed Authority as annexed to [ISBA/28/C/16](#).

¹⁰ See [ISBA/28/C/22](#).

24. Under this agenda item, the Secretariat of the Convention on Biological Diversity made a statement regarding on-going collaboration between CBD Secretariat and the secretariat of the Authority, which has been undertaken through the UN Ocean coordination mechanism as well as the exchange of a Letter of Cooperation signed between the two secretariats, in particular regarding sharing scientific expertise and experience for biodiversity assessment and monitoring, application of area-based management tools and biodiversity-inclusive environmental impact assessments, capacity building, among others.

XII. Report of the Finance Committee

25. At its 305th meeting, the Chair of the Finance Committee, Mr MD Khurshed Alam (Bangladesh), presented the report of the Finance Committee on its work during the twenty-eighth session.¹¹

26. The Council approved a supplementary budget proposal for the financial period 2023–2024, as recommended by the Finance Committee,¹² for the purpose of the establishment of a post of interim director-general for the Enterprise in the Secretariat. Several delegations highlighted the exceptional nature of approving the supplementary budget proposal.

27. The Council welcomed the progress made by the Finance Committee on the topic of equitable sharing of financial and other economic benefits derived from activities in the Area. In this respect, most delegations supported the possible creation of a Common Heritage Fund. While some expressed the view that it should be an alternative to direct distributions of monetary benefits, others supported a hybrid model, that includes the creation of the Fund along with direct distribution. On the objective of the Fund, most delegations agreed that the Fund should be used to invest in capacity development, knowledge and competence related to the ocean. A delegation mentioned that the Fund should only be used to fund activities related to the Area and not to the high seas. Some delegations encouraged the Committee to continue its work on the topic and some also suggested that, in its future review of possible formulae for equitable distribution, it also takes into account the Multidimensional Vulnerability Index to reflect the peculiar vulnerability to climate change and debt of some developing countries. Some delegations proposed that the topic of equitable sharing of financial and other economic benefits deriving from activities in the Area should be included as a stand-alone item in the agenda of the Council, so that a broader debate on this issue could take place.

28. At the same meeting, the Council adopted a decision relating to financial and budgetary matters.¹³

XIII. Close of meeting

29. The second part of the twenty-eighth session of the Council was adjourned at 8.30 pm on 21 July 2023. The Secretary-General addressed an appeal to all members of the Authority and observers to make contributions to the voluntary trust fund to support the attendance of developing States members of the Council.

¹¹ See [ISBA/28/A/4-ISBA/28/C/13](#).

¹² See [ISBA/28/A/3-ISBA/28/C/12](#) and [ISBA/28/A/3/Add.1-ISBA/28/C/12/Add.1](#).

¹³ See [ISBA/28/C/21](#).

Annex

Reports on progress made by the working groups and on the President's text

I. Oral reports

A. Oral report delivered by the Chair of the Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract, Olav Myklebust (Norway)

1. The Open-ended Working Group in respect of the Development and Negotiation of the Financial Terms of a Contract (OEWG) held its eighth meeting on 10 and 11 July 2023. In the following I will provide a summary of the outcome of the meeting.
2. On the morning of 10 July 2023, the Chair thanked all participants for their contributions through intersessional work and written proposals and in particular Australia, Canada and South Africa for convening meetings on conceptual issues. The Chair introduced the work of the OEWG, including the Chair's Briefing Note of 20 June 2023 (ISBA/28/C/OEWG/CRP.3) and the Chair's further revised text of the same date (ISBA/28/C/OEWG/CRP.4).¹⁴
3. The meeting continued with presentations on the intersessional work. Firstly, with a presentation by Canada on the outcome of the intersessional work in relation to a tax or levy on the transfer of rights under a Contract. The intersessional working group reported that the group had reached agreement on many elements and that it was expected that the group would be able to provide a text proposal prior to the November meeting. This was followed by a presentation by Australia on an additional royalty or levy which would constitute an equalization payment. Australia reported that there was broad consensus that a fairness mechanism is needed to establish a level playing field for land-based miners and deep-sea contractors.
4. Finally, Dr. Richard Roth from MIT provided a presentation on some aspects of the intersessional work, including on the approaches to "fairness", updates on base rates to meet fairness goals and on the equalization mechanisms. In respect of the proposed equalization mechanism, Dr. Roth provided an overview of three different proposals that are under consideration. These are: firstly, an additional fixed royalty rate; secondly, an additional profit share; and thirdly, a top-up profit share, which utilizes GloBe3 Rules (an OECD global taxation system) to calculate relevant aspects of the contractors' corporate income tax payments. On the third option, some participants asked for further information and examples of the use of similar multinational rules in the extractive industry or any other sector on a global scale. It was agreed that it was a task for the intersessional working group on the equalization mechanism to consult the relevant experts on GloBe3 and report back during the November meeting.
5. The OEWG commenced with the participants' questions and comments on the presentations made by Canada, Australia and the MIT. The intersessional work was greatly welcomed by all participants and general discussions were carried out. The Chair of the OEWG reminded the participants of the principles that shall provide the basis for establishing rules, regulations and procedures for financial terms of contracts, as set out in the Annex to the Implementation Agreement, section 8, paragraph 1.
6. Hereafter, the reading of the Chair's further revised text commenced from draft regulation 62 and followed the order of the text. The reading was conducted with focus on conceptual discussions and substance, instead of a line by line, grammatical reading, that the Chair

¹⁴ Available at <https://www.isa.org.jm/session-28-council-part-2/>.

highlighted will be conducted once the different texts are consolidated. The group managed to read draft regulations 62 to 83bis, and draft regulations 23, 27 and 38. The group achieved consensus on many of the draft regulations and the group has reached a level of comfort in respect of the wording. There were a few draft regulations that the group did not manage to resolve. However, most comments added were accepted and adjustments will be made for the November 2023 meeting that hopefully will resolve outstanding matters. Some participants agreed to liaise intersessionally to provide written text proposals on various regulations.

7. The reading was followed by a discussion of the report on the value of ecosystem services and natural capital of the Area in response to a call for proposals to undertake a study on the environmental costs of exploitation activities in the Area.

8. The intersessional working groups volunteered to continue their valued work and will attempt to provide consensus-based text to be included in the updated Chair's text for the November meeting.

9. A third revised text will be provided for the November session. A final round of written submissions will be included, and all proposals are welcomed before the deadline of 15 September 2023.

B. Oral report delivered by the Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)

1. The Informal Working Group on the Protection and Preservation of the Marine Environment held 3 meetings on 12 and 13 July 2023. The Facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment warmly welcomed all participants to the reading of the Facilitator's third revised text (ISBA/28/C/IWG/ENV/CRP.2/Rev.1).¹⁵

Reporting on intersessional work

2. The Intersessional Working Group on the Standardization of Stakeholders Consultation, led by the United Kingdom, updated the group on its work since the last meeting. The UK delegation thanked all contributing States and asked for continued engagement on this matter, also to ensure alignment with other parts of the Draft Regulations. This was followed by an update by the Intersessional Working Group on Coastal State Obligations, led by Mexico. The group had held several discussions, but no proposals have been submitted yet. Hereafter, the Intersessional Working Group on Underwater Cultural Heritage (UCH), led by Micronesia, presented its work. Micronesia specifically referred to the ongoing discussions in the group on protection of tangible and intangible cultural heritage, where support had been noted on tangible cultural heritage, but there were different views in the group as to whether to explicitly include it in the Draft Regulations.

3. After that, the reading of the Facilitator's third revised text commenced, and the work of the other intersessional working groups were presented when relevant to the respective draft regulations.

Specific comments on the Facilitator's further revised text

4. The work of the Intersessional Working Group on Streamlining and Structuring of draft regulation 44 was presented by Spain. It was highlighted that the group's focus was on attempting to avoid repeating obligations throughout the regulation, but instead keeping it in one para as well as aligning on environmental principles and international law. Most participants supported the continued work to simplify the text of this regulation. The group also invited participants to

¹⁵ Available at <https://www.isa.org/jm/session-28-council-part-2/>.

meet face-to-face during this meeting to discuss further. Canada volunteered to coordinate the group together with Spain.

5. Germany presented the outcome of the work of the Intersessional Working Group on Streamlining draft regulation 45. The group underlined that there was general consensus in the group on overall outlines and structure of the draft regulation, but consensus was not reached on all details. There was broad support for continuing the negotiations based on the alternative draft regulation provided by the working group.

6. Several participants supported the clean-up of draft regulation 46, but also noted that some of the deleted parts should be partially re-inserted. Furthermore, there was support amongst several participants to merge draft regulation 46bis with draft regulation 46ter and to move the consolidated regulation to section 4 on Compliance with Environmental Management and Monitoring Plans and Performance Assessments, which should be re-named to “Environmental Monitoring”.

7. Germany presented the intersessional work on the Scoping and Steps in the Environmental Impact Assessment (EIA) process and structuring of Annex IV. It was highlighted that the EIA regulations are spread over several regulations and has become more complex. There was general support for the overall structure, but some details needed to be amended. Several participants supported and thanked the work and thanked the facilitator for the implementation of the outline from the working group. Many participants referred to the provisions being much improved and could be used as a basis going forward.

8. Several participants supported that draft regulation 47bis should be moved to draft regulation 47, as draft regulation 47bis entails the purpose of this procedure and should include an overview of the structure of the process. The United Kingdom volunteered to continue the work on re-ordering the regulations in the new section 2. Several participants supported the work, using the text provided by the Facilitator as the basis for further negotiations. Regarding 47ter, several participants suggested moving some details into the Annexes or a standard.

9. On draft regulation 48 on the Environmental Impact Statement (EIS), several participants supported that many elements could be moved to the standards. In this regard, most participants supported to place the entire para 4 in the relevant standard. On the proposed draft regulation 48ter on test mining, the intersessional working group, led by Belgium and Germany, presented its work and noted that no consensus had been reached on the text. Several participants welcomed the amendments to the provision and exchanged further views on the main elements of this draft regulation, including the requirements for an appropriate timing of testing mining. Most participants supported that test mining should be fit-for-purpose and cost-effective, and that this draft regulation should be consistent with the draft regulations on EIA and EMMP. Germany agreed to continue the work with the intersessional working group.

10. The meeting ended with an update from the Intersessional Working Group on the Closure Plan.

Way forward

11. The Facilitator highlighted that the group have progressed work on the text and that all the hard work carried out by the intersessional working groups have proven very valuable.

12. In relation to intersessional work, the involved participants offered to continue the work to provide consensus-based text on relevant matters. The Facilitator encouraged this work to continue and urged the intersessional working groups to come together and try to resolve the various questions that have been raised during the discussion during this meeting. Those participants who are willing to join this intersessional work are encouraged to do so and contact the Secretariat in that respect, and they will facilitate the contact.

13. It was agreed that greater focus should be placed on the standard and guidelines for the next meetings of the group. Furthermore, it was agreed that before the next meeting, the facilitator would attempt to identify, in a matrix or overview, what elements could go into existing standard and guidelines and what new standard and guidelines should be provided based on the development of the work in the group.

14. It was furthermore agreed that the Facilitator will prepare a fourth revised text. Considering that the reading ended with draft regulation 48, the reading will be resumed from draft regulation 49 in the next meeting.

15. In line with that, the facilitator requested that all comments and suggestions to the entire text be submitted by participants by 15 September 2023 and that it will be the final round of written submissions.

C. Oral report delivered by the Facilitator of the Informal Working Group on Inspection, Compliance and Enforcement, Maureen Tamuno (Nigeria)

1. The Informal Working Group on Inspection, Compliance, and Enforcement held its meetings in the afternoon of 13 July and in the morning of 14 July 2023.

2. In the afternoon of 13 July 2023, the Facilitator welcomed all participants and thanked them for the intersessional work and their textual proposals. Thereafter, the facilitator introduced the Facilitator's third revised text (ISBA/28/C/IWG/ICE/CRP.2).¹⁶

3. At the commencement of the meeting, the Facilitator reminded participants that the core task of the working group is to decide on an appropriate mechanism for directing and supervising a staff of inspectors who shall inspect activities in the Area as envisaged by Article 162(2)(z) of the Convention. In continuance hereof, Norway was invited to present the outcomes of discussions from intersessional meetings held by participants on such a mechanism. A hybrid model was presented, that would encompass a Compliance Committee established within the LTC (the "LTCCC") and that the LTCCC will be responsible for overall compliance and enforcement issues.

4. The work of the intersessional working group was warmly welcomed by participants, in particular the great efforts to reach a compromise in relation to a hybrid model. Conceptual discussions were hereafter conducted by the participants, both in respect of the discussions on the mechanism, and the content of draft regulation 96. Several participants supported the hybrid model and the newly proposed draft regulations Alt.96, 96bis and 96ter. Other participants maintained that it would be necessary to have a self-standing compliance committee or that the compliance committee should be placed under the Council.

5. It was agreed that the intersessional working group would continue its discussions and that a consolidated and clean version of draft regulation 96 will be provided ahead of the November meeting.

6. Thereafter, the Informal Working Group conducted its reading of draft regulations 97-105bis. The participants welcomed the revised text and several participants stated that the text had improved substantially. The participants agreed on many draft regulations and provided valuable input in respect of areas where further clarification and amendments would be required. Furthermore, it was agreed that continued work would be carried out in respect of streamlining and resolving cross cutting issues, such as the handling of Underwater Cultural Heritage.

7. The group managed to finish the reading of the third revised text and the Facilitator will provide a fourth revised text ahead of the November 2023 meeting. Participants were requested

¹⁶ Available at <https://www.isa.org.jm/session-28-council-part-2/>.

to provide their comments and textual proposals no later than **15 September 2023**, and it was highlighted that it would be the final round of written proposals.

D. Oral report delivered by the Co-Facilitators of the Informal Working Group on Institutional Matters, Salvador Vega Telias (Chile) and Gina Guillén-Grillo (Costa Rica)¹⁷

1. El Grupo de Trabajo Informal sobre Asuntos Institucionales se reunió en la tarde del 17 de julio de 2023, todo el 18 de julio de 2023 y en la mañana del 19 de julio de 2023. Los cofacilitadores dimos la bienvenida a todos los participantes en la reunión y agradecimos las propuestas escritas.

2. A continuación, los cofacilitadores presentamos el programa de la reunión, que incluiría una primera lectura del proyecto de las regulaciones 6 a la 16.¹⁸ Antes de comenzar dicha lectura, los cofacilitadores ofrecimos una presentación sobre el control efectivo e invitamos los Estados y observadores a dar su opinión sobre la presentación ofrecida, si es que las tenían. Cuatro participantes hicieron aportaciones generales a la presentación sobre el control efectivo y la acogieron como muy útil. Varias delegaciones señalaron que necesitarían más tiempo para debatir este importante tema y que el seminario web sobre el control efectivo sería muy bien acogido. Los cofacilitadores compartirán a antes de la celebración del webinar las filminas sobre Control Efectivo.

3. El Grupo de Trabajo Informal inició la lectura del texto de los cofacilitadores, lo que se hizo proyectando el texto en la pantalla. Se explicó a los participantes que el texto de los cofacilitadores era una recopilación de las propuestas escritas recibidas y que no se había intentado redactar un texto consensuado, ya que se trataba de la primera lectura de este proyecto de reglamento, lo anterior en base a que las propuestas fueron presentadas en el año 2019.

4. En la tarde del 17 de julio de 2023, el grupo logró llevar a cabo una lectura de los proyectos de regulación 6 a 8(3). En cuanto al proyecto de regulación 6 sobre el certificado de patrocinio, varias delegaciones pidieron que se simplificara y armonizara con el reglamento de exploración. También se sugirió incluir una solicitud de más información sobre la identificación del contratista, como el número de empresa en virtud de instrumentos internacionales que existen.

5. En la mañana del 18 de julio de 2023, el grupo de trabajo reanudó la lectura del proyecto de 8. En cuanto a los proyectos de regulación 8 (3) y 8 (3 alt), el grupo de trabajo mantuvo debates sobre la redacción y el párrafo 3 en el que deberían basarse las negociaciones. Numerosos participantes acogieron favorablemente la nueva propuesta de proyecto de regulación 8(5), inspirada en las recientes negociaciones sobre BBNJ, que se consideró un tema más amplio. Se presentaron varias propuestas, y el Reino Unido se ofreció a colaborar en la mejora de la redacción actual, lo que los cofacilitadores apreciaron y agradecieron. En cuanto a la regulación 9(1)(a) sobre recepción, acuse de recibo y custodia de las solicitudes, se debatió sobre el plazo para el acuse de recibo. También se debatió provisionalmente la forma de tratar las cuestiones de confidencialidad, tema que se volverá a tratar en la reunión de noviembre, en la que se tratará el proyecto de norma 89. En cuanto al borrador de la norma 9(2), se debatió si este párrafo debería suprimirse o sustituirse, por ejemplo, por la sección 3. Con respecto al borrador de la regulación 10(1), sobre la revisión preliminar de la solicitud por parte del Secretario General, varios participantes propusieron aclarar que se trata de una revisión formal y que se podría acomodar resaltando que se trata de una revisión "preliminar".

6. En la tarde del 18 de julio de 2023, se procedió a la lectura del proyecto de regulación 11 sobre publicación y revisión de los Planes Medioambientales.). Muchos participantes se mostraron flexibles respecto a la inserción del proyecto de norma 11(1) (c alt) con algunas

¹⁷ The oral report was delivered in Spanish, which will be translated into English after UN edits and translation.

¹⁸ Available at <https://www.isa.org.jm/session-28-council-part-2/>.

modificaciones. En cuanto a la norma 11(2 ter), se debatió sobre el plazo adecuado para que el solicitante realice las revisiones. Se inició la lectura del proyecto de regulación 12 relativa al examen de las solicitudes por la Comisión.

7. En el apartado 2, un participante sugirió introducir un plazo y una "disposición de parada del reloj". Algunos participantes acogieron favorablemente las futuras propuestas en este sentido, mientras que otros expresaron su preocupación por la imposición de plazos. Un participante sugirió consultar a la Comisión Jurídica y Técnica antes de fijar posibles plazos.

8. La sesión de la mañana del 19 de julio de 2023 se inició con la lectura del apartado 3 de la regulación 12 del proyecto de Reglamento. Se aportaron muchas opiniones diferentes sobre el apartado y se llevó a cabo un debate sobre las modalidades de trabajo. Algunas delegaciones pidieron incluir los nombres de las delegaciones que han hecho las contribuciones, mientras otros no estaban de acuerdo. Los cofacilitadores expresaron que en el compilado no se incluirían los nombres, pero que en la sala si se incluían en la pantalla para que las delegaciones pudieran verificar que se habían capturado bien sus comentarios. Hubo una sugerencia de que se borrarán los textos que no habían sido defendidos en la sala. Los cofacilitadores explicaron que debido a que se trataba de la primera lectura, y dado que habrá tiempo para comentarios hasta mediados de setiembre, la propuesta de texto de los cofacilitadores incluiría lo procedente, pero no se procederá a borrar sin esperar las reacciones de las delegaciones. A continuación, se presentó el nuevo proyecto de regulación 12 bis sobre las obligaciones generales de los contratistas y se sugirió que esta regla sustituyera al proyecto de regulación 7(2). Una delegación sugirió suprimir el proyecto de norma 12 bis. En cuanto al proyecto de regulación 13, relativa a la evaluación de las solicitudes, se debatió la nueva redacción y las modificaciones del apartado 1, y Alemania se ofreció a participar en los trabajos entre sesiones a este respecto, algo que los cofacilitadores agradecen. La reunión finalizó con la lectura del borrador de la regulación 13 (1).

9. Los cofacilitadores informaron que no había sido posible realizar el seminario web sobre control efectivo antes de la reunión, pero comunicaron al grupo que se realizaría un seminario web el 1 de septiembre de 2023. La agenda propuesta para el webinar sobre control efectivo, tal y como se presentó durante la sesión de noviembre de 2022, seguirá siendo; (1) Aspectos legales para determinar el Control Efectivo, (2) Implicaciones prácticas del Control Efectivo y (3) Implicaciones en el marco regulatorio. Los facilitadores se pondrán en contacto con las delegaciones que ya han mostrado interés en proponer expositores. Si alguna otra delegación tiene propuestas de expertos que puedan ser parte, será bienvenida y podrá ponerse en contacto con los cofacilitadores o con la Secretaría.

10. Los cofacilitadores evaluaron los progresos realizados en el Grupo de Trabajo Informal y acogieron con satisfacción las sugerencias escritas de los participantes. La fecha límite para la presentación de propuestas por escrito se fijó en el 15 de septiembre de 2023. Los cofacilitadores prepararán un texto revisado, que incluirá todos los reglamentos asignados al Grupo de Trabajo Informal, sobre el que se trabajará durante la tercera parte de la 28ª sesión.

11. Los facilitadores quieren hacer un agradecimiento especial a la Secretaría por su constante apoyo en el desarrollo de las funciones de este Grupo Informal de Trabajo. Un agradecimiento especial a la Legal Counsel, Mariana Durnay, con quien sabemos contamos incondicionalmente, así como a su gran equipo. Un gran agradecimiento, también a Yongsheng y el resto del equipo.

12. Nuestro reconocimiento a los intérpretes por su gran trabajo, y un caluroso agradecimiento a los colegas del servicio de conferencias.

II. Report on the review of the President's text

1. In the afternoon of 19 July 2023, the Council met in an informal setting to advance and negotiate the President's revised text (ISBA/28/C/WOW/CRP.1/Rev.1).¹⁹ The President introduced the revised text and the suggested working modalities.

2. Firstly, the preamble was discussed, and the suggested amendments and streamlining were welcomed. Discussions were carried out in respect of the two alternatives and there seemed to be equivalent support for both alternatives. Several delegations expressed flexibility on the preferred option. It was supported by several delegations to refrain from referencing the Sustainable Development Goals and Targets of the 2030 Agenda, as these goals will be completed by 2030. However, several delegations and observers would like some reference to sustainable development goals, and Belgium volunteered to provide textual proposals to that effect.

3. Hereafter, a second reading of the President's revised text was carried out, commencing with draft regulation 17. On draft regulation 18, conceptual discussions were carried out in respect of the reference to the Enterprise, as it is necessary to resolve if reference should be made to "the Contractor and the Enterprise" throughout the regulations or whether it should be handled and resolved in the definition of "Contractor" in the Schedule. In respect of draft regulation 18bis, conceptual discussions were carried out in respect of whether it should be retained or deleted. Most delegation and observers favored the retention with some changes. It was suggested by several delegations and observers to move paragraph 4 to a relevant section on the Sponsoring state.

4. In the morning of 20 July 2013, the reading resumed on draft regulation 26 on the Environmental Performance Guarantee. It was discussed whether the guarantee should be changed to a decommission bond. One group and a delegation supported this renaming, whilst several other delegations and observers were against such changes. On Section 5 (draft regulations 32-35), there were several suggestions by delegations and observers to update this section once the appropriate inspection mechanism has been decided upon. In respect of the insurance requirements in draft regulation 36, there was broad consensus to regulating the types, terms and amounts of the insurance in the standards and/or guidelines. Several delegations and observers stressed that it should only be regulated in standards, considering the importance of having proper insurance in place. The reading ended with draft regulation 95 on Issuance of Guidelines.

5. The President informed the delegations and observers that any textual proposals are welcomed by 15 September 2023. In this regard the President underlined that it would be the final round of written proposals. A further revised text will be provided before the November meeting and the reading will be resumed from Annex I on Application for approval of a Plan of Work to obtain an exploitation contract.

¹⁹ Available at <https://www.isa.org.jm/session-28-council-part-2/>.