



Council

Advance Unedited Version
21 July 2023

English only

Twenty-eighth session

Council session, part II

Kingston, 10–21 July 2023

Agenda item 10

Consideration with a view to adoption, of the draft regulations on exploitation of mineral resources in the Area

Decision of the Council of the International Seabed Authority 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

The Council of the International Seabed Authority,

Recalling its decision ISBA/28/C/9 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 (Agreement),

Reiterating that commercial exploitation of mineral resources in the Area should not be carried out in the absence of Rules, regulations and procedures [RRPs] relating to exploitation;

Reaffirming its commitment to the adoption of the RRP's relating to exploitation in accordance with the Convention and the Agreement in a timely manner;

Bearing in mind the invocation of Section 1, paragraph 15, of the Annex to the Agreement (paragraph 15) by the Republic of Nauru in June 2021, with an effective date of 9 July 2021,

Conscious that the prescribed time under subparagraph (b) of paragraph 15 expired on 9 July 2023, and that the Council has not completed the elaboration and adoption of the rules, regulations and procedures [RRPs] relating to exploitation,

Recognizing that a common understanding on paragraph 15 and its application would be beneficial for the Authority, its members, contractors and other stakeholders, in the event that an application for a plan of work for exploitation is submitted before the Council has completed the RRP's relating to exploitation,

Noting with appreciation the informal intersessional dialogue on paragraph 15 co-facilitated by Ambassador Hugo Verbist (Belgium) and Mr. Tan Soo Tet (Singapore), the two webinars held on 8 March 2023 and 30 May 2023, as well as the two briefing notes of the co-facilitators presented to the Council on 24 March 2023 and 14 July 2023,

1. *Reiterates* its request to the Secretary-General to inform members of the Council, within three business days, of the receipt of an application for a plan of work for exploitation by the Secretariat in the absence of RRP's relating to exploitation,

2. *Decides* to further consider actions that the Council may take if an application for a plan of work for exploitation were to be submitted before the Council has completed the RRP's relating to exploitation,

3. *Decides*, if an application for a plan of work for exploitation is submitted before the Council has completed the RRP's relating to exploitation, to continue at its next meeting and prior to the Commission finalizing its review, its consideration of the understanding and application of paragraph 15 with a view to reaching, as a matter of priority, a common understanding and accordingly reaching a decision, including the possible issuing of guidelines or directives, without prejudice to the Commission's mandate.

*308th Meeting
21 July 2023*