



## Council

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**Twenty-ninth session**  
Council session, part II  
Kingston, 15–26 July 2024

### **Statement by the President on the work of the Council of the International Seabed Authority during the second part of the twenty-ninth session**

#### **Addendum**

#### **I. Resumption of the session**

1. The second part of the twenty-ninth session of the Council of the International Seabed Authority was held from 15 to 26 July 2024. The Council held six plenary meetings (319th to 324th meetings) and 14 informal meetings.

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

2. At the 321st meeting of the Council, on 25 July, the Secretary-General reported that, as at that date, formal credentials had been received from 35 members of the Council, and information concerning the appointment of representatives had been communicated by means of facsimile or initialled notes verbales from ministries, embassies, permanent missions to the United Nations, permanent missions to the International Seabed Authority or other Government offices or authorities.

#### **III. Status of contracts for exploration and related matters**

3. At its 323rd meeting, on 26 July, the Council took note of the following reports on the relinquishment of areas under contracts for exploration: the report on the relinquishment of 50 per cent of the area allocated to the Federal Institute for Geosciences and Natural Resources;<sup>1</sup> the report on the relinquishment of two thirds of the area allocated to the China Ocean Mineral Resources Research and

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<sup>1</sup> See [ISBA/29/C/16](#).



Development Association;<sup>2</sup> and the report on the relinquishment of two thirds of the area allocated to the Japan Organization for Metals and Energy Security.<sup>3</sup>

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

4. At its 321st meeting, the Council took note of the report of the Secretary-General on the status of national legislation relating to deep seabed mining and related matters.<sup>4</sup>

#### **V. Consideration, with a view to approval, of applications for a plan of work for exploration**

5. At its 324th meeting, on 26 July, the Council approved the plan of work for exploration for polymetallic sulphides submitted by Earth System Science Organization-Ministry of Earth Sciences of the Government of India.<sup>5</sup> The Council also took note of the report of the Legal and Technical Commission relating to an application for approval of a plan of work for exploration for cobalt rich-ferromanganese crusts by Earth System Science Organization-Ministry of Earth Sciences of the Government of India.<sup>6</sup>

#### **VI. Draft regulations on exploitation of mineral resources in the Area**

6. At its 319th meeting, on 15 July, the Council took up agenda item 10 on the consideration of the draft regulations on exploitation of mineral resources in the Area. All subsequent discussions on the draft regulations took place in informal meetings from 15 to 24 July, with the full participation of other members of the Authority and observers, in line with the road map approved by the Council in July 2023.<sup>7</sup> The President of the Council introduced his briefing note of 3 June 2024<sup>8</sup> and resumed the reading of the consolidated text of the draft regulations on exploitation of mineral resources in the Area, beginning with draft regulation 35.<sup>9</sup>

7. The plenary of the Council held 11 informal meetings on the President's consolidated text, from 15 to 23 July. The Council finished a first reading of the text, covering from draft regulation 35 to draft regulation 107. On 15 July, a thematic discussion on equalization measures was held, with the delegation of Australia acting as rapporteur. On 19 July, a thematic discussion on underwater cultural heritage was held, with the delegation of the Federated States of Micronesia acting as rapporteur. On 22 July, the Informal Working Group on Institutional Matters held its eighth meeting; the topic for discussion was effective control. On 24 July, the Informal Working Group on the Protection and Preservation of the Marine Environment held its eighth meeting, with two topics for discussion: environmental impact assessments

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<sup>2</sup> See ISBA/29/C/17.

<sup>3</sup> See ISBA/29/C/18.

<sup>4</sup> See ISBA/29/C/13.

<sup>5</sup> See ISBA/29/C/14 and ISBA/29/C/L.4.

<sup>6</sup> See ISBA/29/C/19.

<sup>7</sup> See ISBA/28/C/24 and ISBA/28/C/25.

<sup>8</sup> See [www.isa.org.jm/wp-content/uploads/2024/06/The-President's-Briefing-note-for-2nd-part-twenty-ninth-session.pdf](http://www.isa.org.jm/wp-content/uploads/2024/06/The-President's-Briefing-note-for-2nd-part-twenty-ninth-session.pdf).

<sup>9</sup> See ISBA/29/C/CRP.1.

and environmental impact statements and environmental management and monitoring.

8. At its 323rd meeting, the Council took note of all oral reports by the facilitators and rapporteurs (see annex I).

9. At the same meeting, the Council took note of a list of the intersessional work for the remainder of the twenty-ninth session (see annex II), prepared by the President. It was agreed that the deadline for the submission of proposals by the intersessional working group would be 1 November 2024.

10. At the 323rd and 324th meetings, the President introduced a revised road map (see annex III), to guide the work of the Council during the thirtieth session in 2025, on the draft regulations for the exploitation of mineral resources in the Area and on the associated standards and guidelines. It was agreed that the deadline for submission of national written proposals would be 23 September 2024. The President will provide a revised consolidated text by the end of November 2024.

## **VII. Report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission**

11. At its 321st meeting, the Council took note of the report of the Secretary-General on the implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission.<sup>10</sup>

12. Some participants praised the side event hosted by the Legal and Technical Commission on 15 July 2024 as a positive step towards increased transparency. Several delegations emphasized the need for greater transparency and accountability concerning contractors, calling for the disclosure of those who had failed to submit complete or adequate reports or did not respond to the Council's requests. The aims of such disclosure would be to enhance transparency and to ensure that contractors were held accountable for their contractual obligations. Participants highlighted the importance of contractors fulfilling their commitments to training and capacity-building, especially for developing countries. They requested updates on the implementation of such commitments, noting that capacity-building was a crucial element for developing countries and a contractual requirement. The training session on data management held in June 2024 received praise from participants, who acknowledged its value in enhancing the skills of participants from developing countries. However, the challenge of insufficient funds in the voluntary trust fund for the participation of developing countries in Commission meetings was also recognized. Participants emphasized the need to address the funding issue to ensure equitable participation of developing countries.

## **VIII. Report of the interim Director General of the Enterprise**

13. At its 321st meeting, the Council took note of the report of the interim Director General of the Enterprise, Eden Charles.

14. Participants expressed strong support for the ongoing activities and direction of the Enterprise, commending the efforts of the interim Director General and affirming their commitment to continued collaboration and fruitful exchanges. Participants emphasized the vital role of the Enterprise in facilitating the participation of

<sup>10</sup> See [ISBA/29/C/15](#).

developing States in exploration activities, noting that that function was crucial for ensuring equitable exploration and participation. Concerns were raised, however, about the lack of progress towards establishing joint projects that would allow the Enterprise to operate independently from the Authority. Joint projects were viewed as essential for equitable benefit-sharing. Participants also requested an assessment of the feasibility of creating such a joint enterprise in the short or medium term.

## **IX. Report of the Chair of the Legal and Technical Commission**

15. At the 320th meeting, on 18 July, the Chair of the Legal and Technical Commission, Erasmo Lara Cabrera (Mexico), delivered an oral report on the work of the Commission at the second part of its twenty-ninth session (1 to 12 July).<sup>11</sup>

16. Delegations expressed strong support for the Commission's work. Several delegations commented on specific items. With regard to the contractors' training programmes, many delegations expressed satisfaction with the number of training positions offered and with the efforts made by the secretariat to increase the number of women who qualified for training programmes. The launch of the International Seabed Authority Capacity Development Alumni Network was also commended. Some delegations noted the progress that had been made by the Commission in addressing potential cases of non-compliance by contractors. Several delegations made preliminary comments on the draft standardized procedure for the development, review and approval of regional environmental management plans. It was suggested that a discussion could be held on the legal nature of that document. Many delegations also stressed the importance of the work of the environmental threshold value group and encouraged further progress. They expressed appreciation for the meticulous work done by the Commission and acknowledged the importance of its efforts in enhancing environmental protection measures.

17. In response to the comments raised, the Chair of the Commission noted that, in relation to the process of identification of potential cases of non-compliance by contractors, a significant amount of work had been achieved and that a balanced assessment procedure had been developed. He welcomed the number of positive reactions to the development of the different documents pertaining to regional environmental management plans. He addressed comments on annual reports by contractors, noting that significant work had been done. Positive reactions to the work on regional environmental management plans were noted. The Chair highlighted the inclusion, in the annex to the report, of a rationale for comments on the standardized procedure, which contained an explanation as to why some comments were not taken into consideration. The Secretary-General concluded the discussion by thanking the Commission for the work accomplished and called upon all members of the Authority to contribute to the voluntary trust fund, while noting that the vast majority of the Commission's members had been able to attend and participate in its meetings.

18. At its 324th meeting, the Council took note of the Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-ninth session.<sup>12</sup>

19. At the same meeting, the Council also discussed the draft revised standardized procedure for the development, establishment and review of regional environmental management plans.<sup>13</sup> Delegations expressed hope that those tools could be developed and implemented as soon as possible. Some delegations suggested specific amendments

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<sup>11</sup> See [ISBA/29/C/7/Add.1](#).

<sup>12</sup> See [ISBA/29/C/7/Add.1](#).

<sup>13</sup> See [ISBA/29/C/10](#).

to the purpose and binding nature of regional environmental management plans to ensure that they were effectively integrated into regulatory frameworks and that they provided clear, enforceable guidelines for environmental management. Participants also highlighted the need for improved collaboration with contractors in the development and implementation of regional environmental management plans. They emphasized that better cooperation between the Authority, contractors and other stakeholders would lead to more comprehensive and effective environmental management plans. The Council, following consultation among concerned parties, eventually agreed to submit additional comments to the Commission with a view to further refining the revised draft accordingly.

20. Also at the same meeting, the Council adopted a decision on the reports of the Chair of the Legal and Technical Commission.

## **X. Report of the Finance Committee; budget of the International Seabed Authority; and adoption of the scale of assessment for contributions to the budget of the International Seabed Authority for the financial period 2025–2026**

21. At its 321st and 322nd meetings, on 25 July, and 323rd and 324th meetings, on 26 July, the Council jointly considered agenda item 15, report of the Finance Committee;<sup>14</sup> agenda item 16, budget of the International Seabed Authority;<sup>15</sup> and agenda item 17, adoption of the scale of assessment for contributions to the budget of the International Seabed Authority for the financial period 2025–2026.

22. At the 321st and 322nd meetings, the Chair of the Finance Committee, Khurshed Alam (Bangladesh), presented the report of the Committee on its work during the twenty-ninth session (10 to 12 July). The Council took note of the report.

23. Some participants voiced concerns about decreases in the programme budget, noting that those decreases compromised the ability of the Authority to deliver on its obligations. Other participants supported the zero nominal growth approach reflected in the revised proposed budget. Some delegations expressed concern over the late submission of the report of the Committee, and one delegation asked for specific documents to be provided, including a report on travel for the current budget cycle and revisions to the audit statement. Some delegations supported the recommendation by the Committee that the Council and the Assembly consider the issue of the payment of financial contributions by observers.

24. The Chair of the Finance Committee noted that the budget proposal had been uploaded on 18 April, 76 days prior to the discussion, and that delays in uploading the report of the Committee were due to translation and editing issues. In response to questions about benefit-sharing, the Chair referred to the discussions on options in the Finance Committee, which were still ongoing. The Secretary-General indicated that he was satisfied with the revised budget proposal and would implement the recommendations of the Committee without delay.

25. At its 324th meeting, the Council adopted a decision relating to the budget of the International Seabed Authority for the financial period 2025–2026 and related matters.

<sup>14</sup> See [ISBA/29/A/9–ISBA/29/C/20](#).

<sup>15</sup> See [ISBA/29/A/3–ISBA/29/C/11](#) and [ISBA/29/C/L.2](#).

## **XI. Proposal to the Assembly of the list of candidates for the election of the Secretary-General**

26. At its 324th meeting, the Council adopted a decision concerning the candidates for the election of the Secretary-General.<sup>16</sup>

## **XII. Dates of the next session**

27. The first part of the thirtieth session of the Council will be held from 17 to 28 March 2025, and the second part from 7 to 18 July 2025.

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<sup>16</sup> See [ISBA/29/C/22](#).

## Annex I

### Reports on progress made by the working groups

#### I. Oral report delivered by the rapporteur of the intersessional working group concerning the thematic discussions on an equalization measure, Robyn Frost (Australia)

1. On 15 July, the Council held another thematic discussion on an equalization measure as part of the financial terms of contracts, in an informal setting.

2. Daniel Wilde of the Commonwealth Secretariat provided expert input to the discussions. On behalf of those who participated in the discussion, the rapporteur thanked him for his continued assistance.

3. Mr. Wilde gave a presentation summarizing the thematic discussion on an equalization measure held at the Council's meeting in March and the additional discussions held during the meetings of the intersessional working group on an equalization measure in June. His presentation is available on the website of the International Seabed Authority.

4. Mr. Wilde also provided an overview of the textual proposal submitted by Australia on behalf of the intersessional working group on an equalization measure. The proposal contained text for a draft regulation 64 bis, with an annex containing draft text for an equalization measure standard. The text for the two options shortlisted by the intersessional working group was set out in the draft equalization measure standard. That text incorporated the drafting suggestions made by participants in the intersessional working group.

5. The two options are:

(a) A hybrid model by which a contractor that receives tax exemptions or subsidies shall pay an additional royalty to the Authority, against which payments to the sponsoring State would be creditable, or, alternatively, if a contractor does not receive tax exemptions or subsidies, it shall pay a 25 per cent "top-up" profit share to the Authority on the profits of the contractor and all related entities engaged in mining activities, against which covered taxes to all States by all related entities engaged in mining activities would be creditable. The definitions of related entities, profits and covered taxes would be based on the global anti-base erosion model rules of the Organisation for Economic Co-operation and Development to the greatest extent possible;

(b) A profit-share model, developed with the assistance of the Intergovernmental Forum on Mining, Minerals and Sustainable Development, which requires a contractor to pay a 25 per cent additional profit share on its profits to the Authority, against which its payments to the sponsoring State are creditable.

6. A number of questions were raised by delegations, including the following:

- How would an equalization measure be applied to different types of contractors, including contractors directly controlled by a State party and State-owned enterprises?
- Would an equalization measure be applied to the Enterprise, given the provisions of article 10 of annex IV to the Convention?
- How would an equalization measure be applied to joint ventures with the Enterprise?

- Which of the two options would provide for greater transparency regarding the relationship between a sponsoring State and a contractor?
- What types of subsidies and tax exemptions would be covered, given the provisions in section 6 of the annex to the Agreement relating to the Implementation of Part XI of the Convention?
- Would it be possible to provide some practical examples of how the two options would operate?

7. In response to the question of which of the two options would allow for greater transparency, the relative simplicity of the second option, compared with the first, might provide greater transparency, as it would be simpler for member States' administrations and contractors to understand and for the Authority to administer.

8. All delegations agreed on the necessity of an equalization measure, with the inclusion of a relatively simple provision in the regulations, and details for the equalization measure to be included in a standard. However, there was no consensus on a preferred model.

9. Some delegations expressed a preference for the first option because, even though it was more complex, it provided for comprehensive revenue capture, disincentivized tax avoidance and profit-shifting and was based on established fiscal instruments.

10. Other delegations expressed a preference for the second option, mainly on the grounds that it would be simpler for contractors and member States to understand and for the Authority to administer. It was also noted that the second option was similar to the taxation regimes applied in many land-based mining countries.

11. Some delegations also noted the possibility of reviewing the equalization measure in the future as part of a review of the system of payments and in the light of the experience gained.

12. The delegation of Australia offered to facilitate intersessional meetings to further discuss the questions raised.

13. One meeting could be focused on issues surrounding the application of an equalization measure to different types of contractors, including whether or how it would be applied to the Enterprise and to joint ventures with the Enterprise.

14. At a second meeting, participants could further consider issues surrounding subsidies, tax exemptions and the calculation of profits, particularly with regard to the first option. Also at that meeting, they could consider the definition of relevant activities, i.e. activities within the mining perimeter, for the purposes of the first option.

## **II. Oral report delivered by the rapporteur of the intersessional working group concerning the thematic discussions on underwater cultural heritage, Clement Yow Mulalap (Federated States of Micronesia)**

15. On 19 July, the Council held a thematic discussion on underwater cultural heritage during the second part of the twenty-ninth session of the International Seabed Authority. The thematic discussion was held in two parts: one in the main conference room, lasting about an hour and a half, and one in a separate conference room during the lunch period. The thematic discussion was focused on two guiding questions:



(a) Was the material scope of draft regulation on exploitation 35 sufficient, and were the procedural steps identified therein sufficient to deal with whatever that material scope might be?

(b) How should the issue of intangible underwater cultural heritage be addressed in the regulations on exploitation and other aspects of the mining code, especially beyond draft regulation 35, including with respect to “pure intangible” underwater cultural heritage?

16. Delegations also had before them several non-papers from Spain and from select representatives of Indigenous Peoples and local communities from the Pacific, which addressed tangible and intangible elements of underwater cultural heritage.

17. Delegations generally expressed support for addressing underwater cultural heritage in some substantive form in the regulations on exploitation and associated standards and guidelines, inclusive of both tangible and intangible aspects. On that basis, delegations engaged with the version of draft regulation 35 in the consolidated draft text as well as with a set of proposals for revising the draft regulation, which had been submitted by Spain in its latest non-paper on the matter, while keeping in mind the relevant provisions of the Convention, including article 149. A number of delegations indicated that draft regulation 35 should focus primarily on the actions that actors would be required to take when encountering tangible underwater cultural heritage in the Area, particularly human remains and archaeological or historical objects and sites. In that connection, those delegations had several comments on the current version of draft regulation 35 as well as on the proposal by Spain in their latest non-paper, particularly with regard to the requirements for notification by the Contractor to the Secretary-General of the Authority and for notification by the Secretary-General to all States, the Director General of the United Nations Educational, Scientific and Cultural Organization, other intergovernmental organizations and other stakeholders; the review and decision-making process of the Council of the Authority in response to the notifications and views expressed in the notifications process, including the views of those States with preferential rights under article 149; and potential measures that would have to be implemented at different points of the process, including temporary cessation and permanent termination of activities, as appropriate. Various views were expressed about what would constitute a “reasonable” radius for the imposition of measures in the event of an encounter with tangible underwater cultural heritage, how to address wrecks of sovereign immune vessels encountered in the Area, whether to compensate an affected contractor and whether some sort of committee or similar “interested group” should be established as the forum for collecting responses to the notifications from the Secretary-General of the International Seabed Authority under draft regulation 35.

18. While many delegations focused on draft regulation 35 as the basis for regulating encounters with tangible underwater cultural heritage, views were expressed that there might be a need to also regulate matters relating to tangible underwater cultural heritage in other regulations on exploitation pertaining to processes and actions by contractors prior to encounters during exploitation activities in the Area. Those other processes and actions included surveys of the Area by contractors as part of their development of environmental impact statements and other environmental documents, plans and policies required under the regulations on exploitation.

19. A view was expressed that draft regulation 35 should not be limited to encounters with tangible underwater cultural heritage but should regulate encounters with intangible underwater cultural heritage as well. It was noted that distinguishing between tangible and intangible elements of underwater cultural heritage was challenging because certain cultural and other similar values that were sometimes

classified as being intangible were still connected to or emerged from tangible aspects of the environment in some manner. Another view expressed was that the proper way to deal with intangible underwater cultural heritage was through protective measures adopted before activities began in a particular part of the Area, such as cultural heritage management plans, as well as through comprehensive consultation processes for the development of environmental impact statements and other major environmental documents, plans and policies required under the regulations on exploitation, wherein such consultation processes involved Indigenous Peoples and local communities and their views to the fullest extent possible. Another view expressed was that intangible underwater cultural heritage could be captured best through the inclusion of references to the relevant traditional knowledge of Indigenous Peoples and of local communities throughout the regulations on exploitation, including those pertaining to stakeholder consultations and the development of environmental impact statements and other environmental documents, plans and policies required under the regulations on exploitation.

20. Delegations also engaged with proposals for the establishment of a committee on intangible underwater cultural heritage and for the recognition and upholding of all relevant rights of holders of traditional knowledge referenced in the regulations on exploitation, including, in particular, the right of the holders of such knowledge to free, prior and informed consent. A number of delegations expressed openness to the proposed committee, pending further discussion on the potential scope, composition and placement of the committee within the overall regulations. It was stressed that the committee would be a key forum for ensuring that the voices and views of Indigenous Peoples and of local communities would be heard and addressed by the Authority in connection with activities in the Area, particularly with respect to intangible underwater cultural heritage. A number of delegations, however, expressed caution about establishing such a committee, noting, among other concerns, the general issue of having a multiplicity of new bodies created by the regulations on exploitation, as well as the specific concern that establishing a committee focused on intangible underwater cultural heritage might have the unintended effect of minimizing the importance of such heritage. With respect to the rights of holders of relevant traditional knowledge, references were made to the United Nations Declaration on the Rights of Indigenous Peoples, to language contained in the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and other relevant instruments and to other sources of international human rights law. A view was also expressed on the appropriateness of recognizing collective rights, as opposed to rights held by individuals.

21. Lastly, delegations engaged on the issue of possible definitions for tangible and intangible underwater cultural heritage. Several delegations expressed support for defining tangible and intangible underwater cultural heritage in the regulations on exploitation and indicated an openness to using relevant definitions from the Convention on the Protection of the Underwater Cultural Heritage and the Convention for the Safeguarding of the Intangible Cultural Heritage. Other views expressed, however, cautioned against using one or both of those conventions as the basis for the definitions, and questions were raised regarding whether it would be appropriate to define underwater cultural heritage in any manner at all in the regulations on exploitation. A view was also expressed that perhaps the Authority could conduct a technical study on the matter of underwater cultural heritage in the Area.

22. In terms of next steps, the rapporteur recommended that the intersessional working group on underwater cultural heritage continue during the intersessional period. The delegation of the Federated States of Micronesia could continue to facilitate the intersessional working group, if so requested. The rapporteur also

recommended that the facilitator of the intersessional working group put together a comprehensive set of draft textual proposals on underwater cultural heritage, covering tangible and intangible elements, and with the relevant language reflected in not just draft regulation 35 but also in other draft regulations of relevance to the matter and in potential standards and guidelines. The draft textual proposals should reflect, as much as possible, the written and oral inputs of delegations from the thematic discussion and the previous intersessional periods, the informal discussions of the Council plenary held in recent weeks and written inputs from delegations to be submitted to the facilitator over the coming weeks. The draft textual proposals from the facilitator would likely reflect alternatives where, in the facilitator's view, delegations still had divergent views on certain elements. The facilitator would present the comprehensive set of draft textual proposals to the intersessional working group for its consideration. The rapporteur recommended that the intersessional working group and its facilitator proceed on this basis, unless otherwise requested by the Council.

23. To conclude, the rapporteur thanked all delegations that had participated actively and with great interest in the discussions on underwater cultural heritage to date. He encouraged all delegations to continue that level of engagement. As indicated by the delegation of Singapore during the thematic discussion, the task ahead was difficult but not impossible, and, as indicated by the delegation of Thyssen-Bornemisza Art Contemporary, the questions raised were difficult to address, but doing so would be invaluable. The rapporteur agreed with those views and looked forward to working with all interested delegations in that spirit moving forward.

### **III. Oral report delivered by the co-facilitators of the Informal Working Group on Institutional Matters, Gina Guillén-Grillo (Costa Rica) and Salvador Vega Telias (Chile)**

[Original: Spanish]

24. The Informal Working Group on Institutional Matters met on the morning of 22 July 2024. The topic of discussion was effective control. At the start of the meeting, the co-facilitators made a presentation on effective control, where they described the various associated topics and the current status of the discussions.

25. They then examined the implications of effective control and the various interpretations, including a review of articles 139 (1) and 153 (2) (b) of the Convention and annex III, articles 4 (3) and 9 (4), and the Advisory Opinion on Responsibilities and Obligations of States Sponsoring Persons and Entities with respect to Activities in the Area (ITLOS case No. 17, 1 February 2011). They pointed out that it was increasingly important for the Council to move forward in making a proactive and informed decision on the application of effective control with respect to exploitation activities. They noted that, in general, there were two different approaches in the context of State sponsorship of contractors in the exploitation regime, namely the "regulatory control approach" and the "economic control approach".

26. To provide background for the discussion, the co-facilitators presented questions concerning the current interpretation of effective control, how to avoid monopolization and how to ensure that reserved areas truly benefit developing countries. They then opened the floor for statements by delegations and observers.

27. The delegations welcomed the co-facilitators' presentation and the non-paper by the Kingdom of the Netherlands on parent company liability statements, which could provide a sufficient legal basis in the draft exploitation regulations and in the exploitation contract for ensuring that parent companies of contractors are jointly and

severally liable to the Authority for any damage caused by a contractor and for which the contractor is responsible. Some delegations also welcomed the non-paper by Nauru on State sponsorship of activities in the Area and the interpretation of effective control requirements.

28. With respect to the different approaches concerning effective control, some delegations supported the regulatory control approach as the one that should be continued with respect to exploitation regulations. Other delegations indicated a preference for the economic control approach for this new step. Several delegations suggested exploring a hybrid approach, where elements of the economic control approach would be incorporated into the regulatory control approach. One delegation suggested that some guidelines on the broad outlines of what would be required with respect to effective control could be useful and beneficial.

29. The co-facilitators thanked all the delegations and observers for their active participation. The co-facilitators noted that there was a consensus as to the importance of the issue, which needed to be resolved, including the importance of regulatory compliance when a liability or monopoly case might arise. At the conclusion of the meeting, the co-facilitators indicated that work would continue to be undertaken on the issue during the intersessional period. They called on delegations that would like to participate in the work to inform the secretariat accordingly and to also submit any written statement on the questions asked, and any other issues they may wish to raise.

#### **IV. Oral report delivered by the facilitator of the Informal Working Group on the Protection and Preservation of the Marine Environment, Raijeli Taga (Fiji)**

30. The meeting of the Informal Working Group was held on 24 July. The facilitator's briefing paper, issued on 26 June, had outlined the proposed work of the group.<sup>1</sup>

31. During the morning of 24 July, the topic under discussion was environmental impact assessments and environmental impact statements. Delegations and observers were reminded of the work completed during the first part of the twenty-ninth session to allocate regulations pertaining to environmental impact assessments to appropriate and logical locations within the draft regulations on exploitation, annexes, standards and guidelines.

32. Proponents of a joint text proposal, co-led by the delegations of the Kingdom of the Netherlands and of the United Kingdom of Great Britain and Northern Ireland, presented their intersessional work and joint proposals on the restructuring of the environmental impact assessment and impact statement.<sup>2</sup> Proponents of the joint text proposal were particularly focused on usability and streamlining, and, among other points, they presented a streamlined version of annex IV, asking the group to consider whether the annex should be reworded as a list of requirements instead of retaining the existing section by section structure. They also raised questions regarding whether text removed from the consolidated draft regulations should be placed in standards or guidelines and whether a proposed template should be recommendatory or prescriptive. The proponents of the joint text proposal reported that they had completed their work for consideration by the Council.

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<sup>1</sup> See <https://www.isa.org.jm/wp-content/uploads/2024/06/Briefing-paper-on-environmental-topics.pdf>.

<sup>2</sup> See <https://www.isa.org.jm/wp-content/uploads/2024/07/Joint-text-proposal-EIA-EIS-restructure-July-2024.pdf>.

33. A general discussion was then held on the proposed restructuring and the questions raised by the proponents of the joint text proposal. Many delegations welcomed the intersessional work. Several delegations were generally in support of the joint text proposal and the restructuring and considered that it would enhance the future proofing of the regulations on exploitation. With respect to the structure of annex IV, divergent views were expressed; some delegations supported the proposal to revert annex IV to a list of requirements, as that format would be practical and functional.

34. Subsequently there was a general discussion on removing text from the consolidated draft regulations and adding it to standards or guidelines. Participants also discussed whether the suggested template should be recommendatory or prescriptive in nature. Several delegations suggested that all (or almost all) content removed from the draft regulations on exploitation should be included in the standards. Another delegation proposed that the delegations should hold off on making that decision until the wording of the template was in place.

35. After the general discussion on the structure of environmental impact assessments and environmental impact statements, delegations and observers proceeded with a reading of part IV, section 2, draft regulation 46, concerning the environmental impact assessment.

36. In the afternoon of 24 July, the meeting continued with discussions on environmental management and monitoring. The facilitator reminded delegations and observers of the suggestion made regarding streamlining the regulations pertaining to environmental monitoring and the environmental management and monitoring plan with a view to ensuring increased readability, avoiding duplication and, lastly, bringing greater consistency with the refined structure of the environmental impact assessment and impact statement in section 2 of part IV of the consolidated text.

37. The delegation of Norway presented its proposal on the insertion of a new section 3 in part IV of the text and the restructuring of the regulations on environmental management and monitoring. The delegation also presented a joint proposal for refining section 3 that had been developed in the intersessional period. A general discussion on the proposed restructuring was then held, and the proposal was warmly welcomed by delegations and observers as a solid foundation for future work. The delegation of Norway offered to continue intersessional work to replace and update the content of section 3 as well, which was also welcomed by delegations and observers.

38. After the general discussion of the proposed restructuring of the section concerning the regulations on environmental management and monitoring, a reading of draft regulations 49–52 was conducted.

39. In closing the meeting, the facilitator invited delegations to inform the secretariat of their interest in participating in further intersessional work on environmental management and monitoring. They were also encouraged to submit written proposals on the various subjects discussed during the session. The deadline for written submissions was set for 23 September 2024.

40. Lastly, the facilitator thanked all delegations and observers for their contributions to the consolidated text and clarifying the way forward. The facilitator also thanked the secretariat and meeting service personnel.

## Annex II

### List of intersessional work for the remainder of the twenty-ninth session

<i>Group no.</i>	<i>Focus</i>	<i>Coordinator</i>
1.	Effective control <i>(Cross-cutting)</i>	Costa Rica and Chile
2.	Independent compliance and enforcement mechanism <i>(Draft regulation 102)</i>	Norway
3.	Equalization measure <i>(Draft regulation 64 bis and draft equalization standard)</i>	Australia
4.	Rights and interests of coastal States <i>(Cross-cutting and draft regulation 93 ter)</i>	Portugal
5.	Underwater cultural heritage <i>(Cross-cutting and draft regulation 35)</i>	Micronesia (Federated States of)
6.	Environmental management and monitoring <i>(Section 3 of part IV, draft regulations 49–52 and annex VII)</i>	Norway
7.	Test mining <i>(Draft regulation 48 ter)</i>	Germany
8.	Closure plans <i>(Part VI, draft regulations 59–61)</i>	Fiji

## Annex III

### Road map for the thirtieth session of the Council of the International Seabed Authority (2025)

The following road map has been prepared by the President of the Council and endorsed by the Council for the organization of its discussions in 2025 on the draft regulations on exploitation of mineral resources in the Area and on the associated standards and guidelines. The road map takes into account the progress made in the implementation of the road map for work on the draft regulations in 2023 and 2024 ([ISBA/28/C/24](#)), as well as the discussions on that matter held by the Council in the second part of its twenty-ninth session in July 2024.

<i>Organ</i>	<i>Date</i>	<i>Working methods relating to draft regulations</i>	<i>Tentative agenda</i>
Council (intersessional work between delegations as required)			
The deadline for general submission of comments on the President's revised consolidated text is 23 September 2024.			
The deadline for submission of joint proposals from the intersessional working groups is 1 November 2024.			
The revised consolidated text and submissions are to be posted on the website in late November 2024.			
<i>First part of the thirtieth session (3–28 March 2025)</i>			
Legal and Technical Commission	3–14 March 2025 (10 days)		
Council	17–28 March 2025 (10 days)	Formal meetings (2 days)	Standing items and items on the agenda requiring decisions by the Council
		Council, in plenary (7.5 days)	<ul style="list-style-type: none"> <li>• Negotiations on the revised consolidated text</li> <li>• Thematic discussions with rapporteurs, as appropriate</li> </ul>
		Formal meeting (0.5 days)	<ul style="list-style-type: none"> <li>• Reports to the President by facilitators and rapporteurs</li> <li>• Review of the progress on the draft regulations</li> <li>• High-level discussions on standards and guidelines</li> </ul>

<i>Organ</i>	<i>Date</i>	<i>Working methods relating to draft regulations</i>	<i>Tentative agenda</i>
			<ul style="list-style-type: none"> <li>• Adoption of regulations (if ready for adoption)</li> <li>• Agreement on necessary intersessional work</li> </ul>
Council (intersessional work between delegations as required)			
<i>Second part of the thirtieth session (23 June–18 July 2025)</i>			
Legal and Technical Commission	23 June–4 July 2025 (10 days)		
Finance Committee	2–4 July 2025 (3 days)		
Council	7–18 July 2025 (10 days)	Formal meetings (2 days)	Standing items and items on the agenda requiring decisions by the Council
		Council, in plenary	Agenda to be agreed on the basis of the outcomes of the first part of the thirtieth session in March 2025
		Formal meeting	Adoption of regulations (if ready for adoption)