



Council

Advance Unedited Version
26 July 2024

English only

Twenty-ninth session

Council session, part II

Kingston, 15–26 July 2024

Agenda item 23

Other matters

Decision of the Council of the International Seabed Authority relating to the reports of the Chair of the Legal and Technical Commission

The Council of the International Seabed Authority,

Recalling its decision [ISBA/28/C/27](#),

1. *Takes note with appreciation* of the reports of the Chair of the Legal and Technical Commission on the work of the Commission at the first and second parts of its twenty-ninth session,¹ the hard work and considerable achievements of the Commission, and the report of the Secretary-General on implementation of the decision of the Council in 2023 relating to the reports of the Chair of the Legal and Technical Commission;²

2. *Notes with appreciation* the Commission's consideration of annual reports on activities carried out by contractors in 2023, that the Commission assessed the performance of all contractor activities during its 29th session, but due to the disruption and delay to its work caused by Hurricane Beryl, it will continue working in the intersessional period on its assessment of contractor performance and will revert to this matter at the first part of its thirtieth session;

3. *Notes also* that three contractors submitted their 5-year periodic reports in the first half of 2024, which are currently under review, and *welcomes* the development of a 5-year periodic reporting template by the Commission and invites contractors to prepare their periodic review reports on the basis of such template;

4. *Welcomes* contractors submitting their annual reports within the prescribed deadline, but expresses concern that some contractors have not complied with reporting requirements in the template issued by the Commission, and reiterates that contractors are required to report completely and according to the reporting requirements of the Commission on activities in their contract area;

¹ ISBA/29/C/7 and ISBA/29/C/7/Add.1.

² ISBA/29/C/15.

5. *Welcomes* the Secretary-General's continued engagement, through the Compliance Assurance and Regulatory Management Unit of the secretariat, with individual contractors on matters raised by the Commission and the secretariat's review of the responses of individual contractors;

6. *Requests* the Secretary-General to continue the practice of communicating the various issues identified during the Commission's review of contractors' annual reports to the relevant contractors and sponsoring States, to follow up in writing with those contractors that repeatedly perform insufficiently or incompletely against an approved plan of work or that have indicated that the implementation of the plan of activities will be made conditional on external factors regardless of the applicable contractual requirements, to request meetings with them, and to write to the respective sponsoring States to bring that issue to their attention and request a meeting with the sponsoring States to address it and to provide relevant information to the Council;

7. *Requests* the Secretary-General to continue to report to the Council on an annual basis the instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea,³ the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982⁴ and the regulations on prospecting and exploration, identified by the Commission, inter alia taking into account the results of the Secretary-General's consultations with contractors, and urges relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under the relevant contracts for exploration, in accordance with article 139 of the Convention;

8. *Welcomes* the Commission's development of criteria for identifying contractors at risk of non-compliance with the aim of naming contractors that have responded inadequately, or failed to respond⁵, and, in view of its continuing request that any such Contractors be named⁶, in the annual report of the Secretary-General, and agrees to consider the ongoing implementation of the criteria at its next session;

9. *Welcomes* the training programmes and opportunities offered by contractors, pursuant to their contracts for exploration with the Authority, since the twenty-eighth session and the continued efforts to increase gender balance through the selection of candidates for training opportunities;

10. *Recalls* its request for the Commission to revise its draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration,⁷ once the Council has considered issues relating to the transfer of rights and obligations under a contract for exploitation in the draft regulations for exploitation, as well as relevant issues related to effective control;

11. *Welcomes* the Commission's considerations on certification of origin for minerals derived from the Area and its proposed draft Regulation on this issue for inclusion in the draft regulations on exploitation currently under review by the Council, with further elaboration in the standards and guidelines;

12. *Expresses its appreciation* for the Commission's work on revising the draft standardized procedure for the development, establishment and review of regional environmental management plans (REMPs), the template with the minimum requirements,

³ United Nations, Treaty Series, vol. 1833, No. 31363.

⁴ Ibid., vol. 1836, No. 31364.

⁵ ISBA/29/LTC/5.

⁶ ISBA/27/C/44.

⁷ See ISBA/27/C/35.

and the recommendations⁸ on technical guidance to support the practical implementation of the standardized procedure and template, invites Member States and observers of the Authority to comment in writing within 90 days after the adoption of this decision, to be submitted to the Authority for the Commission's consideration, and requests the Commission to submit the revised documents with the rationale for its decisions to Council before the first part of the thirtieth session;

13. *Expresses its appreciation* for the Commission's work on the development of the draft REMP for the Area of the northern Mid-Atlantic Ridge and requests the Commission to review the draft in the light of its standardized procedure and template for the development, review and approval of REMPs, once adopted by the Council, and to ensure that all REMPs, including the REMPs under consideration for the Area of the Northwest Pacific Ocean and the Indian Ocean, are developed in accordance with the standardized procedure and template;

14. *Welcomes* the significant progress made by the Commission in developing binding environmental threshold values, pursuant to Council decision [ISBA/27/C/42](#);

15. *Reiterates* the importance of transparency in the Authority, and urges the Commission to hold open meetings, where appropriate and in accordance with the rules of procedure of the Commission, while maintaining its effective operation and recognizing the need to ensure the appropriate confidentiality of data and information, so as to allow for greater transparency in its work and, in that regard, welcomes the Commission's holding an informal open dialogue in the margins of the second part of the Council's twenty-ninth session;

16. *Welcomes* the significant progress made in relation to data management at the Authority and the ongoing work of the secretariat and the Commission to this end;

17. *Calls upon* contributions to the Voluntary Trust Funds to support participation in the meetings of the Authority by developing States, including in the Council, the Legal and Technical Commission and the Finance Committee and requests the Secretary-General to report on the amount available in each Fund at the start and end of each reporting period, as well as a breakdown, by meeting, of the number of developing States that have received support from the Funds;

18. *Requests* the Secretary-General to clarify the procedures and practices, including the timing, of communications to Members of the Authority and to the Commission regarding prospecting activities in the Area.

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⁸ ISBA/29/LTC/8.