

Agenda item 11

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

Updated draft list of Standards and/or Guidelines associated with the draft regulations on exploitation of Mineral resources in the Area

Explanatory note

1. The draft regulations on the exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) anticipate the development of specific standards and guidelines to support their implementation. During the first part of the 30th session, a draft list of standards and guidelines was presented ([ISBA/30/C/CRP.4](#)). The list was warmly welcomed by many delegations as a living document that will be updated as negotiations progresses.
2. The below list presents a revised list of standards and guidelines that is based on the references made in the Revised Consolidated Text ([ISBA/30/C/CRP.1](#)) and the Revised Suspense Document ([ISBA/30/C/CRP.2](#)).
3. The list includes Phase 1 standards and guidelines that were prepared by the Legal and Technical Commission and released for the Council's consideration in 2022. The standards and guidelines that already are prepared are marked in **bold** and are linked to the present version of the respective standards and guidelines. The references made in the revised consolidated text that relates to standards and guidelines not yet prepared are presented in *italics*.
4. It is recalled that the Legal and Technical Commission has recommended, and the Council has endorsed an outcome-based approach for their development, with the standards and guidelines to be implemented in phases as follows:
 - Phase 1: Standards and guidelines deemed necessary to be in place by the time of adoption of the draft regulations on exploitation.
 - Phase 2: Standards and guidelines deemed necessary to be in place before the receipt of an application of a plan of work for exploitation.
 - Phase 3: Standards and guidelines deemed necessary to be in place before commercial mining activities commence in the Area.
5. For further guidance on the development of standards and guidelines, reference is made to the Secretariat's note on the proposed content and development of standards and guidelines¹, as well as the Pretoria Workshop Report². Regarding the placement and hierarchy of the respective standards and guidelines, a proposal has been put forward in [Annex-I -placement-hierarchy-criteria-.pdf](#).

¹ [ISBA/25/C/3](#)

² [pretoria_workshop_report-final.pdf](#)

No.	Standard and/or Guidelines		Draft regulations on exploitation of Mineral resources in the Area (ISBA/30/C/CRP.1)	
	Type/subject matter	Phase	Reference	Other comments
1	Draft standard and guideline on the preparation and assessment of an application for the approval of a Plan of Work for exploitation (ISBA/27/C/3)	1	<ul style="list-style-type: none"> Draft regulations 5, 7, 11, 13, 15, 20, 25, 31, 31bis, 37bis, 41, 57, 58, 59 Annex I (Section IV) Annex X bis 	Guideline is developed. To be considered whether a standard also should be developed. To be updated by the LTC.
2.	Draft standard and guidelines for the environmental impact assessment process (ISBA/27/C/4)	1	<ul style="list-style-type: none"> Draft regulations 46, 47 and 48 bis Regulation 48 Alt. (3bis) (in the revised suspense document) 	Ensure that it contains guidelines for environmental impact assessment. To be updated by the LTC.
3.	Draft standard and guidelines for the preparation of environmental impact statements (ISBA/27/C/5)	1	<ul style="list-style-type: none"> Draft regulations 48 and 48 bis Annex IV Annex X (in the revised suspension document) 	Guideline is developed. To be considered whether a standard also should be developed. To be updated by the LTC.
4.	Draft standard and guidelines for the preparation of Environmental Management and Monitoring Plans (ISBA/27/C/6 and ISBA/27/C/6/Corr.1)	1	<ul style="list-style-type: none"> Draft regulations 49-53 bis Annex (VII) 	Guideline is developed. To be considered whether a standard also should be developed. To be updated by the LTC.
5.	Draft standard and guidelines on the development and application of environmental management systems (ISBA/27/C/7)	1	<ul style="list-style-type: none"> Draft regulation 49 	To be updated by the LTC.

6	Draft standard and guidelines on the tools and techniques for hazard identification and risk assessments (ISBA/27/C/8)	1	<ul style="list-style-type: none"> Draft regulation 31 bis 	Guideline is developed. To be considered whether a standard also should be developed. To be updated by the LTC.
7.	Draft standard and guidelines for the safe management and operation of mining vessels and installations (ISBA/27/C/9)	1	<ul style="list-style-type: none"> Draft regulations 29 quarter, 30, 30 bis, 32, 37, 48ter and 53 ter Annex II; Appendix I 	To be updated by the LTC.
8.	Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee (ISBA/27/C/10)	1	<ul style="list-style-type: none"> Draft regulation 26 	To be updated by the LTC.
9.	Draft standard and guidelines for the establishment of baseline environmental data (ISBA/27/C/11)	1	<ul style="list-style-type: none"> Draft regulations 3, 13 and 46 	Guideline is developed. To be considered whether a standard also should be developed. To be updated by the LTC.
10.	Draft standard and guidelines for the preparation and implementation of emergency response and contingency plans (ISBA/27/C/12)	1	<ul style="list-style-type: none"> Draft regulations 32 and 33 Annex V 	To be updated by the LTC.
11.	<i>Draft standard and guidelines on the development and implementation of Environmental Threshold values and indicators</i>	1	<ul style="list-style-type: none"> Annex VII 	Currently under development by the LTC.
12.	<i>Draft standard and guidelines on commercial production</i>	1	<ul style="list-style-type: none"> Draft regulations 25, 27 and 29 	To be developed by the LTC and followed by transparent stakeholder consultation.

13.	<i>Draft standard and guidelines on the certificate of origin</i>	1	<ul style="list-style-type: none"> Draft regulation 29ter 	To be developed by the LTC and followed by transparent stakeholder consultation.
14.	<i>Draft standard and guidelines on test mining</i>	1	<ul style="list-style-type: none"> Draft regulation 48ter 	To be developed by the LTC and followed by transparent stakeholder consultation.
15.	<i>Draft standard and guidelines on the undertaking and preparation of a scoping report</i>	1	<ul style="list-style-type: none"> Draft regulation 47 bis 	To be developed by the LTC and followed by transparent stakeholder consultation.
16.	<i>Draft standard and guidelines on handling of discovery of underwater cultural heritage</i>	1	<ul style="list-style-type: none"> Draft regulation 35 Alt 	To be developed by the LTC and followed by transparent stakeholder consultation.
17.	<i>Draft standard and guidelines on the handling of data and Confidential Information</i>	1	<ul style="list-style-type: none"> Draft regulation 89-92 bis 	To be developed by the LTC and followed by transparent stakeholder consultation.
18.	<i>Draft guidelines for access to environmental data and information</i>	1	<ul style="list-style-type: none"> Draft regulation 92 bis 	<i>Proposed to be included in the draft standard and guidelines on the handling of data and Confidential Information.</i>
19.	<i>Draft standard and guidelines on the undertaking of joint arrangements</i>	1	<ul style="list-style-type: none"> Draft regulation 19 	To be developed by the LTC and followed by transparent stakeholder consultation.

20.	<i>Draft guidelines for procedures for stakeholder participation in activities in the Area</i>	1	<ul style="list-style-type: none"> Draft regulations 2 and 11 	To be developed by the LTC and followed by transparent stakeholder consultation.
21.	<i>Draft standard and guidelines on training obligations</i>	[1]	<ul style="list-style-type: none"> Draft regulation 37 	To be developed by the LTC and followed by transparent stakeholder consultation.
22.	<i>Draft standard and guidelines on the assessment framework for Mining Discharges</i>	[1]	<ul style="list-style-type: none"> Draft regulations 3(9) and 53 ter 	To be developed by the LTC and followed by transparent stakeholder consultation.
23.	<i>Draft standard and guidelines on exchange of information and studies on the potential impact of exploitation activities on the economies of developing land-based mineral producers</i>	[1]/[2]	<ul style="list-style-type: none"> Draft regulation 3(g) 	To be developed by the LTC and followed by transparent stakeholder consultation.
24.	<i>Draft standard and guidelines on the requirements and taking out of insurance and placing of insurance risk</i>	2	<ul style="list-style-type: none"> Draft regulation 36 	ToR for the development is prepared by the LTC.
25.	<i>Draft standard and guidelines on the inspection procedures, inspection reports and the preparation of the rules and operating procedures</i>	2	<ul style="list-style-type: none"> Draft regulations 97, 99, 100, 101 and 102 Alt 	<p>To be considered whether it should be further subdivided.</p> <p>For Inspectors Code of Conduct, see suspense document (ISBA/30/C/CRP.2/Rev.1), draft regulation 97. For ROP, see</p>

				<p>suspense document, draft regulation 96 bis and 102.</p> <p>To be developed by the LTC (with implementation of the content placed in the suspense document) and followed by transparent stakeholder consultation.</p>
26.	<i>Draft guidelines for the process modifying a plan of work and or the meaning of material change</i>	2	<ul style="list-style-type: none"> Draft regulations 25 and 57 	To be developed by the LTC and followed by transparent stakeholder consultation.
27.	<i>Draft standard and/or guidelines for the application and assessment for use of an exploitation contract as security</i>	2	<ul style="list-style-type: none"> Draft regulation 22 	To be developed by the LTC and followed by transparent stakeholder consultation.
28.	<i>Draft standard and guidelines for protocols relating to notifiable events</i>	2	<ul style="list-style-type: none"> Draft regulation 34 and Appendix I 	To be developed by the LTC and followed by transparent stakeholder consultation.
29.	<i>Draft standard and guidelines for the application and assessment on the transfer of rights and obligations under an exploitation contract</i>	2	<ul style="list-style-type: none"> Draft regulation 23 	To be developed by the LTC and followed by transparent stakeholder consultation.
30.	<i>Standard and guidelines for the use of remote electronic monitoring and technology</i>	2	<ul style="list-style-type: none"> Draft regulation 102 and 102bis 	ToR for the development is prepared by the LTC

31.	<i>Draft standard and guidelines for the application of human health and safety management systems and plans</i>	2	<ul style="list-style-type: none"> Draft regulation 30 bis Annex VI, A 	To be developed by the LTC and followed by transparent stakeholder consultation.
32.	<i>Draft standard on the Environmental Compensation fund</i>	2	<ul style="list-style-type: none"> Draft regulation 54 (in the suspense document) 	To be developed by the LTC and followed by transparent stakeholder consultation.
33.	Draft standard and guidelines on the maritime security plan	3	<ul style="list-style-type: none"> Annex VI, B (2) (in the Suspension Document) 	Developed and is contained in the revised suspense document (ISBA/30/C/CRP.2/Rev.1). Health and safety is regulated in the draft standard and guidelines for the application of human health and safety management systems and plans
34.	Draft standard on the Financial Terms of a Contract	□ [1]	<ul style="list-style-type: none"> Implement outstanding aspects such as on 54, 63, 64-64qui 	DR 63: Suggested consideration of implementation of compensation mechanism to land based mining countries or potentially in a separate standard.
35.	Draft standard and guidelines on the administration and management of payment of royalty and royalty returns	□ [1]	<ul style="list-style-type: none"> Draft regulation 55, 64, 70, 71 and 79 Appendix IV 	Developed and is contained in the revised suspense document ISBA/30/C/CRP.2/Rev.1 .

36.	Draft standard on the system of payments and the rates of payments	[] [1]	<ul style="list-style-type: none"> Draft regulations 81 and 82 	Developed and is contained in the revised suspense document ISBA/30/C/CRP.2/Rev.1).
37.	Draft standard on the methodology for the Review of Rates of Payments	[] [1]	<ul style="list-style-type: none"> Draft regulation 82 	Developed and is contained in the revised suspense document ISBA/30/C/CRP.2/Rev.1).
38.	Draft standard on the royalty mechanism	[] [1]	<ul style="list-style-type: none"> Appendix IV (moved to suspense document) 	Developed and is contained in the revised suspense document ISBA/30/C/CRP.2/Rev.1).
39.	Draft standard on the equalization measure	[] [1]	<ul style="list-style-type: none"> Draft regulation 64 bis (in the suspense document) 	Developed and is contained in the revised suspense document. ISBA/30/C/CRP.2/Rev.1).
40.	<i>Draft standard and guidelines on the establishment of the Seabed Mining Register</i>	3	<ul style="list-style-type: none"> Draft regulation 92 	To be developed by the LTC and followed by transparent stakeholder consultation.
41.	<i>Draft standard and guidelines for stakeholder consultation</i>	[] [1]	<ul style="list-style-type: none"> Draft regulation 93 bis 	Several proposals for also including a standard to define the procedure on who will be the stakeholders to be consulted and what the procedure will be.
42.	<i>Draft standard and guidelines for coastal States consultation</i>	[1]	<ul style="list-style-type: none"> Draft regulation 93 ter 	To be developed by the LTC and followed by transparent stakeholder consultation.
43.	<i>Draft standard and guidelines on the preparation of the annual report and auditing and other reporting requirements under an exploitation contract</i>	[] [2]	<ul style="list-style-type: none"> Draft regulations 38-39, 75 and 83 bis 	To be developed by the LTC and followed by transparent stakeholder consultation.

44.	<i>Draft standard and guidelines on the preparation and implementation of closure plans and post-closure monitoring and evaluation</i>	3	• Draft regulations 59 and 61	To be developed by the LTC and followed by transparent stakeholder consultation.
			• Annex VIII	
45.	<i>Guidelines on information to be submitted upon expiration of an exploitation contract</i>	3	• Draft regulation 91	To be developed by the LTC and followed by transparent stakeholder consultation.
46.	<i>Draft standard and/or guidelines on suspension and termination of an exploitation contract</i>	[] [2]	• Draft regulation 103	To be developed by the LTC and followed by transparent stakeholder consultation.