

THE PEW CHARITABLE TRUST'S COMMENTARY

***ON THE REVISED CONSOLIDATED TEXT: DRAFT REGULATIONS ON  
EXPLOITATION OF MINERAL RESOURCES IN THE AREA,  
DATED 29 NOVEMBER 2024 (ISBA/30/C/CRP.1)***

Key

**Black font**, **red font**, and grey text-boxes are replicated from the Draft Regulations text.

**Blue font** represents commentary or edits proposed by The Pew Charitable Trusts.

## **Annex II**

### **Mining Workplan**

A Mining Workplan, based on the results of Exploration (at least equivalent to the data and information to be provided pursuant to section 11.2 of the standard clauses for Exploration Contracts), should cover the following subject matters:

- (a) A comprehensive statement of the Mineral Resource delineated in the relevant Mining Area(s), including details, or estimates thereof, of all known Mineral reserves reported in accordance with the applicable Standard, International Seabed Authority Reporting Standard for Reporting of Mineral Exploration Results Assessments, Mineral Resources and Mineral Reserves (see ISBA/21/LTC/15, annex V), together with a comprehensive report of a Ssuitably Qqualified and experienced Pperson that includes details of and validation of the grade and quality of the possible, proven and probable ore reserves, as supported by a pre-feasibility study or a Feasibility Study, as the case may be;
- (a). bis. A description and schedule of any Exploration activities planned to be conducted following approval of the Exploitation Plan of Work, including a description of the equipment and methods expected to be used;
- (b) A chart of the boundaries of the proposed Mining Area(s) (on a scale and projection specified by the Authority) and a list of geographical coordinates (in accordance with the [most recent applicable international standards used by the Authority];
- (c) A proposed programme of Exploitation activities mining operations and sequential mining plans, including applicable time frames, schedules of the various implementation phases of the Exploitation activities and expected recovery rates;
- (d) Details of the equipment, methods and technology expected to be used in carrying out the proposed Plan of Work, including the results of [Test Mining] conducted, [as applicable] and the details of any tests to be conducted in the future, as well as any other relevant information about the characteristics of such technology, including processing and environmental safeguard and monitoring systems, [and electricity or other energy supply] together with details of any certification from a conformity assessment body;
- (e) A technically and economically justified estimate of the period required for the Exploitation of the Resource category to which the application relates;
- (f) A detailed production plan, showing, in respect of each Mining Area, an anticipated production schedule that includes the estimated maximum amounts of Minerals that would be produced each year under the Plan of Work;

- (g) An economic evaluation and financial analysis of the project;
- (h) The estimated date of commencement of Commercial Production;
- (i) Details of principal subcontractors ~~[and suppliers of goods and services]~~ to be used directly engaged for Exploitation activities, together with information about their compliance records;
- (j) Details on how many vessels are proposed to ~~will~~ be involved in the Exploitation activities mining operations, including how and to where the collected ores will be transported from the mining site to shore for processing; and
- (k) Details relating to onshore processing, if applicable.

In **paragraph (d)**, we support inclusion of details of energy supply. Energy requirements for Exploitation in the Area may be a challenging aspect given the energy-intensity, remoteness and durations involved. There may be different types of mining methods and technology proposed by different contractors which may vary greatly in energy use. The ISA and member States have a duty to prevent and reduce greenhouse gas emissions. To achieve this requires, as a start, finding out what energy supply will be used. Energy efficiency is also a relevant factor in the ISA's assessment of an applicant's employment of 'Best Available Technology' and 'Best Environmental Practices'.

We support the inclusion of the reference to the results of Test Mining, as this would be required in advance of granting a contract/ The results of Test Mining by the applicant are relevant to the qualification criteria pertaining to technological capability, which forms part of the assessment of the plan of work However we suggest to delete the wording "*as applicable*" as we believe this should be mandatory.

**Paragraph (i)** is necessary for consistency with other parts of the regulations, and will also assist the ISA in a number of its duties, including in its evaluation of an application, and in its ongoing supervision and control of activities in the Area. We do not object to the intention of only listing 'principal' subcontractors who are 'directly engaged' in Exploitation, but we would recommend that this term be further defined (e.g. in Standards) to ensure consistency of reporting across all Contractors.

With regards **paragraph (j)**, we recommend that the type and nationality of each vessel used also be included. This is relevant information to the ISA, as different vessel classes and different flag States will have different rules applicable. There may also be issues around compliance and coordination if the vessels' flag States are not ISA member States. The ISA should check before awarding a contract that there are no gaps in the monitoring and enforcement regime, and the more information that can be obtained with regards different States and jurisdictions that will be involved in the operations, the better.