

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.

Section 2

Processing and review of applications

Regulation 9

Receipt, acknowledgement and safe custody of applications

The Secretary-General shall:

(a) Acknowledge in writing, within ~~{7}~~ Days, receipt of every application for approval of a Plan of Work submitted under this Part, specifying the date of receipt;

(b) Place the application, together with the attachments and annexes thereto, in safe custody and ensure the confidentiality of all Confidential Information contained in the application; and

~~{c}~~ Within 30 Days of receipt of an application for approval of a Plan of Work submitted under this Part:

~~(i) Notify the members of the Authority of the receipt of such application and circulate to them information of a general nature which is not confidential regarding the application, and information enabling them to access a non-confidential version of the application;~~

~~(ii) Notify the members of the Commission and the Finance Committee of receipt of such application.~~

Comment

Paragraph (c) has been reinstated in a slightly revised format based on inputs received during the first part of the twenty-ninth session.

We have no issues with re-insertion of the wording in **DR9(c)**, and welcome recognition that the **Finance Committee** will need to review the application. We would though welcome clarity as to how this DR9 requirement for the SG to notify subsidiary organs and to share a version of the application with States within 30 days of receipt of application, aligns with DR11's requirement for the SG to consult upon the application with all States and Stakeholders within 7 days of confirming the completeness of the application pursuant to DR19.

We wonder if the correct **sequence of events** should, in fact, be:

- First, SG immediately notifies State membership of receipt of the application (DR9).
- Second, SG completeness check (DR10).
- Third, SG shares the application (a) in its entirety with subsidiary organs for their review, and (b) with confidential aspects redacted with State membership and stakeholders for their consultation (DR11 and DR93bis).

In the third step, Pew would also like to flag the proposal that the Finance Committee and LTC could review the application first and develop their preliminary assessments, and then share those preliminary assessments along with the copy of the application for the public consultation – so that States and Stakeholders are not only providing feedback on the application, but also more specifically feedback targeted to inform the ISA’s decision.