



## Council

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### Twenty-sixth session

Council session, part II

Kingston, 6–10 December 2021\*

Agenda item 13

### Report of the Chair of the Legal and Technical Commission on the work of the Commission at its twenty-sixth session

## 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/25/C/37](#),*

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-fifth session<sup>1</sup> and of the note by the Commission on draft regulations on exploitation of mineral resources in the Area;<sup>2</sup>
2. *Also takes note* with appreciation of the reports of the Chair of the Legal and Technical Commission on the work of the Commission during its twenty-sixth session;<sup>3</sup>
3. *Welcomes* the continued work of the secretariat and the Commission on standards and guidelines as a matter of priority and highlights that the draft standards and guidelines still require in-depth discussion and further work in order to develop them into requirements for submitted plans of work;
4. *Emphasizes* that any standards, draft environmental goals, objectives and principles require discussion and adoption by the Council;
5. *Expresses* its intention to make every effort to ensure the thorough and timely development of the regulations, bearing in mind that necessary standards and guidelines should be developed in parallel and be consistent with the finalization of the regulations as a package;
6. *Underlines* the need for further interactive discussion during the meetings of the Council on the draft regulations, welcomes the proposals and observations

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\* New dates of the in-person meetings originally scheduled for July 2020 and then July 2021.

<sup>1</sup> [ISBA/25/C/19](#) and [ISBA/25/C/19/Add.1](#).

<sup>2</sup> [ISBA/25/C/18](#).

<sup>3</sup> [ISBA/26/C/12](#), [ISBA/26/C/12/Add.1](#) and [ISBA/26/C/12/Add.2](#).



presented by member States and observers, and requests the secretariat to produce a version of the regulations collating all relevant comments on the latest draft by member States and observers, as a basis for discussion in the working groups;

7. *Notes with appreciation* the Commission's recommendation of draft phase one standards and guidelines in accordance with the process for the development of standards and guidelines contained in enclosure II of [ISBA/25/C/19/Add.1](#), and notes that a report summarizing feedback, the reasons for the Commission's decisions and translations of the draft phase one standards and guidelines in the official languages of the Authority will be provided to the Council at its next meeting, in 2022;

8. *Also notes with appreciation* the Commission's consideration of annual reports on activities carried out by contractors in 2019 and 2020, and welcomes, in particular, the presentation of well-structured reports complying with the template issued by the Commission by the overwhelming majority of contractors;

9. *Encourages* the contractors to pursue the necessary improvements in their annual reports, in particular the review of how the baseline data were building towards an adequate level to support a robust environmental impact assessment as part of an application for exploitation;

10. *Requests* the Secretary-General to communicate the various issues identified during the Commission's review of the annual reports of contractors to the relevant contractors and sponsoring States and to follow up in writing with those contractors that are repeatedly performing inadequately 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 them to address it;

11. *Also requests* the Secretary-General to report to the Council on an annual basis, identifying instances of alleged non-compliance and regulatory action in accordance with the United Nations Convention on the Law of the Sea,<sup>4</sup> the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982<sup>5</sup> and the regulations on prospecting and exploration, including any monetary penalties to be imposed by the Council, and urges the relevant sponsoring States to provide any information relating to such non-compliance and measures taken to ensure compliance under contracts for exploration, in accordance with article 139 of the Convention;

12. *Welcomes* the progress made towards increasing the transparency of exploration contracts, and requests the Secretary-General to pursue dialogue with contractors who have not yet submitted templates on their plans of work;

13. *Commends* contractors for their efforts in implementing their programme of activities and training programmes in spite of the coronavirus disease (COVID-19) pandemic situation;

14. *Notes* the importance of transparency in the environmental management of the Area, and requests the Commission to review document [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#) on recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area to ensure greater consistency in the process of consultation, including the publication of all consultation responses, the publication of the contractor's response to the comments received during the

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<sup>4</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

<sup>5</sup> *Ibid.*, vol. 1836, No. 31364.

consultation process and the publication of the revised environmental impact statement to be submitted to the Commission, and also to refine those recommendations to develop an appropriate framework for the review of activities with potential significant adverse environmental impacts that are proposed for incorporation into a plan of work for exploration;

15. *Takes note* of the study of the potential impact of polymetallic nodule production from the Area on the economies of developing land-based producers of those metals that are likely to be the most seriously affected,<sup>6</sup> and requests the Commission, with the assistance of the secretariat, to continue to consider the substantive issues identified in the study by the Commission;

16. *Requests* the secretariat to prepare a report for the meetings of the Council in July 2022 concerning the operationalization of the Economic Planning Commission, including its financial implications;

17. *Reiterates* its request to the Commission to recommend to the Council for its approval a standardized approach and a general template for the development and review of regional environmental management plans, taking into account the decision of the Council concerning a standardized approach for the development, approval and review of the regional environmental management plans in the Area,<sup>7</sup> while taking note of the observations of some States on these matters;

18. *Welcomes* the progress made by the secretariat towards the implementation of the data management strategy of the Authority, including public access to non-confidential data;

19. *Takes note* of the recommendation of the Commission to the Council to recommend to the Assembly the establishment of the position of interim director general,<sup>8</sup> and agrees to undertake further consultations at the next in-person meeting of the Council, while the mandate of the Special Representative of the Secretary-General for the Enterprise should be extended accordingly until the end of the twenty-seventh session;

20. *Calls upon* contributions to the voluntary trust fund to support the participation of members of the Council of the Authority from developing States in the meetings of the Council to secure the participation of developing States at this critical juncture in the development of the regulatory framework of the Authority;

21. *Encourages* the Commission to hold open meetings, where appropriate, and allow for greater transparency in its work;

22. *Requests* the Secretary-General to report on how confidentiality can be assured with regard to the work of the Commission in a virtual format;

23. *Welcomes* the reports of the Secretary-General on the implementation of the decision of the Council in 2019 relating to the report of the Chair of the Commission,<sup>9</sup> and notes that these represented the fourth such report of the Secretary-General;

24. *Requests* that the Secretary-General report to the Council on the implementation of the present decision at its twenty-seventh session, in 2022, and that such annual reporting remain on the agenda of the Council as a standing item.

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<sup>6</sup> Available at [www.isa.org.jm/files/documents/impactstudy.pdf](http://www.isa.org.jm/files/documents/impactstudy.pdf).

<sup>7</sup> ISBA/26/C/10.

<sup>8</sup> ISBA/26/C/12, para. 41.

<sup>9</sup> ISBA/26/C/3, ISBA/26/C/3/Add.1 and ISBA/26/C/3/Add.2.