



## Legal and Technical Commission

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Agenda item 6 bis

**Consideration of applications for extensions of contracts in accordance with the procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982**

### **Applications for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982**

#### **Note by the Secretariat**

## **I. Introduction**

1. During the continuation of the twenty-sixth session of the International Seabed Authority, in 2021, the Legal and Technical Commission will be required to consider applications for extension of approved plans of work for exploration, submitted in accordance with the decision of the Council of 23 July 2015 relating to procedures and criteria for the extension of an approved plan of work for exploration pursuant to section 1, paragraph 9, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (ISBA/21/C/19). The purpose of the present note is to inform the Commission of the status of applications for extension and to outline a suggested process for their consideration.

## **II. Status of applications**

2. As at 31 January 2021, applications for extension of approved plans of work for exploration for polymetallic nodules had been received from the following seven contractors: Interoceanmetal Joint Organization, JSC Yuzhmorgeologiya, the Government of the Republic of Korea, the China Ocean Mineral Resources Research

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\* Original dates. The meeting has been postponed sine die.



and Development Association, Deep Ocean Resources Development Co. Ltd., the Institut français de recherche pour l'exploitation de la mer and the Federal Institute for Geosciences and Natural Resources. Each applicant has requested an extension of five years, and all have paid the required fee of \$67,000. The applications are listed in the annex to the present note, in chronological order of receipt, together with relevant details for each.

3. In accordance with paragraph 7 (b) of the annex to decision [ISBA/21/C/19](#), the Secretary-General notified the sponsoring States concerned of the receipt of the applications and of the requirement set out in paragraph 3 of said annex. Paragraph 3 provides that, unless otherwise indicated by the sponsoring State or States at the time of making the application for an extension, sponsorship is deemed to continue throughout the extension period and the sponsoring State or States are to continue to assume responsibility in accordance with article 139 and article 153, paragraph 4, of the Convention and article 4, paragraph 4, of annex III to the Convention. In this connection, no sponsoring State indicated that sponsorship would not be continued.

4. Moreover, by note verbale dated 18 January 2021, the Permanent Mission of Japan confirmed to the Secretary-General the continuation of sponsorship for the duration of the extension of the contract of Deep Ocean Resources Development Co. Ltd. In addition, by note verbale dated 15 December 2020, the Permanent Mission of France informed the Authority that the sponsorship by France of the activities carried out under the plan of work for the contract would continue throughout the extension period and that France would continue to bear liability in accordance with article 139 and article 153, paragraph 4, of the Convention and article 4, paragraph 4, of annex III to the Convention. Lastly, by letter dated 20 November 2020, China confirmed that the certificate of sponsorship for the China Ocean Mineral Resources Research and Development Association would remain in force for the extension period.

### III. Process for consideration

5. The process for consideration of applications for extensions by the Commission is set out in paragraphs 8 to 13 of the annex to decision [ISBA/21/C/19](#). Under those provisions, the Commission is required to consider applications expeditiously and in the order in which they are received.

6. To facilitate consideration of the applications by the Commission, the secretariat is preparing a preliminary evaluation of the data and information provided by each applicant. These evaluations will be made available to the Commission before the start of its meetings. In this connection, information and data, as well as the proposed programme of activities for the requested period of extension, are also being evaluated against the applicable recommendations issued by the Commission.<sup>1</sup> The format of the preliminary evaluation follows appendix I to decision [ISBA/21/C/19](#). The preliminary evaluation will also identify missing or incomplete data and information, if any.

7. It should be noted that the Commission may request an applicant to submit such additional data and information as may be necessary regarding the implementation of

<sup>1</sup> Recommendations for the guidance of contractors on the content, format and structure of annual reports ([ISBA/21/LTC/15](#)), recommendations for the guidance of contractors for the reporting of actual and direct exploration expenditure ([ISBA/21/LTC/11](#)), recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration ([ISBA/19/LTC/14](#)) and recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)).

the plan of work and compliance with the standard clauses of the contract, in accordance with paragraph 9 of the annex to decision [ISBA/21/C/19](#).

#### **IV. Report and recommendations of the Legal and Technical Commission**

8. Pursuant to paragraph 9 of section 1 of the annex to the Agreement and paragraph 12 of the annex to decision [ISBA/21/C/19](#), the Commission will recommend approval of the application for extension of the contract for exploration if it considers that the contractor has made efforts in good faith to comply with the requirements of the contract but, for reasons beyond its control, has been unable to complete the necessary preparatory work for proceeding to the exploitation stage, or if the prevailing economic circumstances do not justify proceeding to that stage.

9. The Commission is required to submit its report and recommendations on each application to the Council at the first possible opportunity, taking into account the schedule of meetings of the Authority. The Council is tentatively scheduled to meet in July 2021.

10. Following its previous practice on consideration of complex legal and technical matters, the Commission may wish to consider dividing itself into working groups that would report to the Commission. Those groups could be assigned to work on different applications, or each group could be tasked with a preliminary review of thematic aspects (such as legal, financial, training, technological, environmental or geological).

## Applications for extension of approved plans of work for exploration for polymetallic nodules as at 31 January 2021

<i>Entity</i>	<i>Sponsoring State or States</i>	<i>Deadline for submitting an application for extension</i>	<i>Date of receipt of application</i>	<i>Duration of extension requested</i>	<i>Date of notification to sponsoring State or States</i>	<i>Date of notification to members of the International Seabed Authority</i>	<i>Date of notification to members of the Legal and Technical Commission</i>	<i>Date of expiry of the contract <sup>(a)</sup> or extension agreement <sup>(b)</sup></i>
1 Interoceanmetal Joint Organization	Bulgaria, Cuba, Czechia, Poland, Russian Federation and Slovakia	28 September 2020	18 September 2020	Five years	30 September 2020	30 September 2020	30 September 2020	28 March 2021 <sup>b</sup>
2 JSC Yuzhmorgeologiya	Russian Federation	28 September 2020	28 September 2020	Five years	7 October 2020	7 October 2020	7 October 2020	28 March 2021 <sup>b</sup>
3 Government of the Republic of Korea	—	26 October 2020	26 October 2020	Five years	—	30 October 2020	30 October 2020	26 April 2021 <sup>b</sup>
4 China Ocean Mineral Resources Research and Development Association	China	21 November 2020	8 December 2020	Five years	10 December 2020	10 December 2020	10 December 2020	21 May 2021 <sup>b</sup>
5 Deep Ocean Resources Development Co. Ltd.	Japan	19 December 2020	3 December 2020	Five years	7 December 2020	7 December 2020	8 December 2020	19 June 2021 <sup>b</sup>
6 Institut français de recherche pour l'exploitation de la mer	France	19 December 2020	17 December 2020	Five years	22 January 2021	22 January 2021	22 January 2021	19 June 2021 <sup>b</sup>
7. Federal Institute for Geosciences and Natural Resources	Germany	18 January 2021	29 December 2020	Five years	22 January 2021	21 January 2021	15 January 2021	18 July 2021 <sup>a</sup>