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Item 14 of the agenda

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

## Report of the Chair of the Legal and Technical Commission on the work of the Commission at the second part of its twenty-seventh session<sup>1</sup>

### I. Introduction

1. Part II of the twenty-seventh session of the Legal and Technical Commission of the International Seabed Authority was held from 4 to 15 July 2022.
2. A total of 25 members participated in the meetings. Georgy Cherkashov, Siosuia Utoikamanu and Shengxiong Yang were excused from the in-person meetings owing to travel restrictions or family reasons. Georgy Cherkashov and Shengxiong Yang contributed to the consideration of the annual reports by email. Russell Howard and Ahmed Farouk did not participate.

### II. Activities of the contractors

#### A. Status of contracts and information on periodic reviews

3. On 4 July, the Commission took note of the status of contracts and the information concerning the periodic reviews of the implementation of plans of work for exploration as contained in document [ISBA/27/C/28](#). It was noted that members of the Commission had, intersessionally, regularly provided feedback on periodic reviews to the secretariat.

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<sup>1</sup> The present report should be read in conjunction with [ISBA/27/C/16](#).



## **B. Implementation of training programmes under contracts for exploration and allocation of training opportunities**

4. On 5 July, the Commission was briefed on the selection of candidates for training programmes since March 2022. Thirty-one training placements had been successfully implemented for the benefit of candidates from developing States. Twenty were in progress, and ten were pending, while four placements had not been filled due to the unavailability of the selected candidates. Twenty selected placements continued to be affected by travel restrictions and other challenges related to the coronavirus disease (COVID-19) pandemic.

5. To accommodate the scheduling demands for the training programmes, the Commission, on the basis of the recommendations of the training subgroup, selected candidates intersessionally for the training programmes provided by the Interoceanmetal Joint Organization (IOM) and Nauru Ocean Resources Inc. (NORI). Owing to the low number of applications received, the training programme offered by Ocean Mineral Singapore Pte Ltd. (OMS) was re-advertised.

6. On 14 July, the Commission, on the basis of the recommendations of the training subgroup, selected the candidates for the remaining training programmes offered by Institut français de recherche pour l'exploitation de la mer (Ifremer) and Companhia de Pesquisa de Recursos Minerais S.A. (CPRM). Further detailed information is contained in document [ISBA/27/LTC/7](#).

## **C. Status of the relinquishment of areas under contracts for exploration**

7. On 4 and 7 July, the Commission considered a request by Ifremer to defer the schedule for the relinquishment of part of the contract area allocated to it under its contract for exploration for polymetallic sulphides signed on 18 November 2014. According to the schedule for relinquishment under the contract, the contractor is required to relinquish at least 50 per cent of the original contract area allocated to it by 18 November 2022, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 18 November 2024, being the end of the tenth year from the date of the contract. After taking into consideration the justifications provided by the contractor relating to the coronavirus disease (COVID-19) pandemic, the Commission found that the reasons presented by the contractor would qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor” and recommended that the Council defer by one year the schedule of the first relinquishment to 18 November 2023 and the second relinquishment to 18 November 2025. A draft decision in that respect is attached as an annex to the present report.

8. The Commission also took note of the information on the relinquishment of one third of the area allocated to the China Ocean Mineral Resources Research and Development Association (COMRA) under the contract for exploration for cobalt-rich ferromanganese crusts and the relinquishment of 75 per cent of the area allocated to COMRA under the contract for exploration for polymetallic sulphides.

## **D. Consideration of the annual reports of contractors**

9. On 4 July, the Commission started its consideration of 31 annual reports on activities carried out by contractors in 2021. The Commission welcomed the preliminary evaluations of those reports by the secretariat. In line with established practice, the Commission set up three working groups to review the annual reports covering the legal, financial and training aspects, geological and technological

aspects, and environmental aspects. In addition to specific comments on each report to be conveyed by the Secretary-General to the individual contractors, the Commission made the general comments outlined below.

### **Legal, financial and training aspects**

10. The Commission acknowledged that the contractors had generally continued to comply with the relevant templates for reporting<sup>2</sup> and provided responses to the questions raised by the Commission in the previous year, which facilitated the work of the Commission in conducting its review of the annual reports. In some cases, the Commission recommended that the executive summary be more detailed. It was noted that contractors had largely met the deadline for the submission of the annual report. The Commission reminded the contractors that had missed the deadline to ensure the timely submission of annual reports in the future.

11. Regarding the programmes of activities, while a number of contractors had had to make reductions or adjustments to their activities as a result of the ongoing pandemic, other contractors had adhered to their programmes of activities or made efforts to step up activities that could not be carried out before. In that regard, the Commission commended those contractors for pursuing their programmes of work despite challenges posed by the pandemic. However, the pandemic continued to have a negative impact on the training opportunities available. The Commission took note of challenges for delivering training programmes and encouraged the contractors to work with the secretariat to ensure that the training is carried out in accordance with the programme of activities in the coming years.

12. While commending the collaborative approaches among some contractors for carrying out their programmes of work, the Commission has observed situations in which a minority of contractors appeared to rely on the work performed in other contract areas. The Commission reminded those contractors of their individual obligations for each contract and plan of work. The Commission also reminded such contractors that those arrangements might have an impact on the implementation of their future programme of work and their ability to fulfil the obligations in their contract area. In addition, such a situation risked having negative connotations for contractors that were fulfilling their individual obligations under their plans of work.

13. In relation to the expenditure, the Commission noted that, as in previous years, the expenditure levels of a number of contractors had been far lower than predicted. Some contractors provided reasons for the lower expenditure, including the continued effect of the pandemic. The Commission suggested that those contractors further report to the Secretary-General on how they would seek to recover potential delays that might result from unexpected events. Contractors who had not indicated the reasons for the lower expenditure were reminded that, where expenditure was lower than forecasted, the reasons should be provided, in particular when the full programme of activities planned for the year had not been carried out. Conversely, some contractors had incurred far greater expenditure than expected, indicating an intensification of the activities conducted.

14. While the contractors had generally presented complete expense information and provided timely certified financial statements, the Commission noted that some contractors had provided the expense information in a format that made it difficult to assess actual exploration-related costs, in addition to the late provision of certified financial statements. In a few cases, certified financial statements had not been yet provided. In that regard, the Commission reminded the contractors of the need to provide the expense information, together with the certified financial statements, on

<sup>2</sup> See [ISBA/21/LTC/15](#), annex IV.

time and in the recommended format for statements of actual and direct exploration expenditure as contained in document [ISBA/21/LTC/11](#) and the annex thereto.

### **Geological and technological aspects**

15. While noting that most contractors had complied with the reporting templates, the Commission reminded the contractors who had not done so of the need to comply with all requirements included in document [ISBA/21/LTC/15](#), in particular those in section III (such as the ship track and bathymetry requirements). The delivery of digital data should be improved for most contractors in line with the DeepData database templates.<sup>3</sup>

16. While some contractors had postponed the exploration cruises planned in their programme of activities owing to the pandemic, about half of the contractors had been able to perform the planned exploration survey cruises. Others were rescheduling the planned activities to be able to achieve the goals of the exploration programme.

17. It was notable that some contractors had made significant progress on the testing of mining components.

18. Regarding polymetallic nodule exploration activities, there was a substantial difference in the degree to which contractors had made progress towards commercial production. Some contractors had succeeded in testing components at sea, while other contractors were still conducting the conceptual design of their mining systems.

### **Environmental aspects**

19. A number of contractors had had to adjust their programme of activities for 2021 owing to the pandemic. Although most contractors had continued to carry out survey work or collating several years of information for the analysis of baseline environmental data, some had not conducted any environmental studies over the previous year.

20. The Commission noted that the programmes of activities of the contractors continued to vary widely in terms of the survey design quality, the sampling distribution, and replication in their environmental studies. There were ongoing concerns about whether enough sampling was being conducted or planned for baseline studies across the range of environmental aspects in order to assess natural spatial and temporal variability. The latter was a general concern, as the sampling by the contractors had generally tended to focus on examining spatial differences in biological and oceanographic patterns rather than seasonal or inter-annual changes. Studies of the pelagic ecosystem were improving, but this was still a weakness in the programmes of activities of most contractors.

21. In recent years, the Commission had regularly requested that the contractors perform gap analyses in order to inform their data requirements, and that they provide more detail in their programme of activities, with a view to enhancing the understanding of how they were developing their environmental baselines. There had been limited response to those requests.

22. Some contractors had continued to work with other contractors in undertaking joint cruises and using the same scientific techniques and expertise to analyse data. While such synergies between contractors could help with data analyses on a regional scale, for the purpose of annual reports, it was important to report specifically on work performed in their respective contract area and exclude accounts of sampling or activities in the areas under other contracts.

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<sup>3</sup> Available at [www.isa.org.jm/minerals/reporting-templates](http://www.isa.org.jm/minerals/reporting-templates).

### **III. Further consideration of an application for approval of a plan of work for exploration for polymetallic nodules submitted by Circular Metals Tuvalu Ltd.**

23. On 21 December 2021, the Secretary-General received an application for approval of a plan of work for exploration for polymetallic nodules in the Clarion-Clipperton Zone in the Pacific Ocean submitted by Circular Metals Tuvalu Ltd., sponsored by the Government of Tuvalu, pursuant to the regulations on prospecting and exploration for polymetallic nodules in the Area.

24. During the first part of the twenty-seventh session in March 2022, the Commission started its consideration of an application for approval of a plan of work submitted by Circular Metals Tuvalu Ltd. with the delivery of a presentation by the applicant, which was followed by an oral question-and-answer session. A list of questions from the Commission was sent to the applicant on 18 March, but no responses were received.

25. In a note verbale dated 23 March 2022, the Ministry of Justice, Communications and Foreign Affairs of the Government of Tuvalu notified the Authority of its “decision to rescind Tuvalu’s sponsorship of the seabed mining exploration application submitted through the applicant on 21 December 2021”. In addition, it requested that “no work plan for exploration of polymetallic nodules in the Clarion-Clipperton Zone should be approved... as the Government of Tuvalu will no longer sponsor this work plan”.

26. On 7 April 2022, the members of the Commission were informed of the notification of the withdrawal of sponsorship by the Government of Tuvalu.

27. On 30 May 2022, in a letter to the Secretary-General dated 26 May, Circular Metals Tuvalu Ltd. requested a postponement of the consideration of its application, stating that “any further consideration of the application should be deferred until such time that Tuvalu can either suitably reaffirm its state sponsorship commitments or Circular Metals changes its nationality and sponsorship”.

28. As the sponsoring State had effectively communicated the termination of sponsorship, and bearing in mind article 4 of annex III to the United Nations Convention on the Law of the Sea, there was no application for the Commission to consider. The reserved areas contained in the original application remained available to the Enterprise or to any applicant in accordance with the provisions of annex III of the Convention and the Regulations.

29. The Commission requests that Secretary-General provide the Government of Tuvalu, as the former sponsoring State, with the information contained in paragraph 28 above.

### **IV. Regulatory activities of the Authority**

#### **A. Procedure and criteria for the consideration of a request for the transfer of rights and obligations under a contract for exploration**

30. In March 2021, bearing in mind the need to ensure the timely and effective management of the exploration contracts, the Commission started to consider the matter of the procedure and criteria for the consideration of a request for the transfer of rights and obligations under a contract for exploration. The Commission had set up a working group to work on the issues raised by the members of the Commission. After hearing a report from the working group in June 2021, the Commission had

decided to continue its consideration of the matter intersessionally, with a view to submitting recommendations to the Council in 2022.

31. On 4, 5 and 6 July, the Commission continued its consideration of the matter, and in particular of the issues relating to the scope of effective control and subdivision of the contract area. On 7 July, the Commission considered a revised draft prepared by the working group and adopted the revised draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration. The Commission recommended that the Council consider, with a view to adopting, the draft procedure and criteria for consideration of a request for the transfer of rights and obligations under a contract for exploration.<sup>4</sup>

## **B. Review of the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration**

32. During its virtual meetings in June 2021, the Commission identified the need to review the recommendations for the guidance of contractors and sponsoring States relating to training programmes under plans of work for exploration.<sup>5</sup> The Commission had requested that the training subgroup work on it with the secretariat intersessionally.

33. On 14 July, the Commission was updated on the progress of the work and requested that the training subgroup continue to work with the secretariat after the July meetings, with a view to adopting a set of revised recommendations by the end of 2022.

## **V. Development of regional environmental management plans**

34. On 6 July, the Commission was briefed about the stakeholder consultation on the draft regional environmental management plan (REMP) for the Area of the northern Mid-Atlantic Ridge with a focus on polymetallic sulphide deposits, which was held from 19 April to 3 June 2022. Some 27 submissions were received from the member States, observers, other organizations and individuals, containing over 600 general and specific comments. All submissions were made available on the website of the Authority.

35. The comments were compiled and categorized by the secretariat and then reviewed and analysed by the working group of the Commission intersessionally and during the first week of the meeting.

36. Overall, it was acknowledged in a number of comments that the draft REMP reflected the mandate of the Authority relating to the protection of the marine environment and that the scientific inputs had been incorporated through the expert workshops (one workshop in Szczecin, Poland, in 2018; another in Évora, Portugal, in 2019; and a virtual workshop in 2020). It was also acknowledged that, in general, the structure of the draft REMP could be considered appropriate and fit for purpose and that the draft REMP included the key elements required, such as area-based and non-spatial management measures. In addition, it was recognized that the main areas in which further research and actions would be needed had been identified in the draft REMP.

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<sup>4</sup> To be issued as annex I to [ISBA/27/C/35](#).

<sup>5</sup> See [ISBA/19/LTC/14](#).

37. The following is a non-exhaustive summary of overarching issues identified in the stakeholder comments and of the ways in which they have been addressed in the revised draft REMP:

(a) Greater clarity in the terminology and the definition of specific terms was recommended. Definitions of technical terms were included in the revised draft REMP;

(b) In their comments, several stakeholders suggested the incorporation of cultural heritage and traditional knowledge into relevant sections of the draft REMP. It was noted that objects and sites of an archaeological or historical nature were covered under exploration regulations. Such aspects had been incorporated into the revised draft REMP under the overarching goals;

(c) A number of comments related to the consideration of the activities of contractors in sites in need of protection inside the contract areas. It was noted that the REMP should not prescribe the delineation and zoning scheme for each site, which would need to be based on the potential impacts arising from exploitation activities and on local environmental characteristics and to be consistent with the goals and objectives of the REMP. Due consideration would be given to the activities of the contractors. The design of the zoning schemes should be proportionate to the risks posed by the exploitation activities;

(d) In their comments, several stakeholders sought further clarity regarding non-spatial management actions. The actions were revised in order to focus them on the impacts arising from activities that might have implications for wider, regional-scale ecological processes and ecosystem functions;

(e) Some stakeholders suggested including further details of knowledge gaps and of activities envisaged to address such gaps. In the revised draft REMP, research priorities and actions needed were summarized for each of the knowledge gaps identified, along with the relevant organs of the Authority responsible for the actions needed and an indicative timeline for their implementation.

38. On 13, 14 and 15 July, the Commission considered the revised draft REMP prepared by the working group and adopted it for consideration by the Council.<sup>6</sup>

39. During the two weeks of the meeting, the working group also continued to work on a draft guidance document to facilitate the development of regional environmental management plans, in response to the request of the Council as contained in document [ISBA/26/C/10](#). On 15 July, the Commission adopted and recommended to the Council the draft standardized procedure for the development, review and approval of REMPs,<sup>7</sup> drawing on the proposed procedure as contained in document [ISBA/26/C/6](#), as well as the existing practice of the Authority in relation to the development, implementation and review of REMPs. The draft standardized procedure also included a draft general template for the development of REMPs, drawing on the proposed template as contained in document [ISBA/26/C/7](#), as well as the experience of the Commission in developing the REMP for the Area of the northern Mid-Atlantic Ridge.

<sup>6</sup> To be issued as [ISBA/27/C/37](#).

<sup>7</sup> To be issued as [ISBA/27/C/38](#).

## **VI. Review of the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area**

40. In March 2022, the Commission considered the request of the Council to review the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area as contained in documents [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#).<sup>8</sup> The Commission set up a working group to work intersessionally on the stakeholder consultation process, as requested by the Council.

41. The working group met intersessionally and continued to meet from 4 to 8 July. On 8 July, the Commission considered and adopted a revised draft process for reviewing the environmental impact statement in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration and added the relevant explanatory commentaries with a view to providing guidance to the contractors with regard to the stakeholder consultation.<sup>9</sup>

## **VII. Other matters**

### **Review of the environmental impact statement submitted by Nauru Ocean Resources Inc.**

42. On 30 July 2021, the Secretary-General received an environmental impact statement from Nauru Ocean Resources Inc. (NORI) regarding its plans to carry out testing of a polymetallic nodule collector system components, in the NORI-D contract area of the eastern Clarion-Clipperton Zone, in the Central Pacific Ocean. Following a public consultation round by NORI, an updated environmental impact statement was submitted to the Secretary-General on 1 March 2022.

43. At its meetings in March 2022, the Commission conducted an initial review of the NORI environmental impact statement. The Commission requested a more substantive monitoring plan including details of the survey design, sampling programme and management procedures to assist its review of the completeness, accuracy and statistical reliability of the environmental impact statement. NORI submitted a separate Environmental Management and Monitoring Plan (EMMP) on 2 May.

44. At its July meetings, the Commission continued its review of the NORI environmental impact statement, in particular the EMMP. The Commission commended NORI for the impressive description of a large amount of work carried out to date in the NORI-D contract area based on many survey campaigns and a wide range of sampling operations across the disciplines and variables recommended by the Commission.<sup>10</sup>

<sup>8</sup> See paragraph 14 of the decision of the Council relating to the reports of the Chair of the Legal and Technical Commission ([ISBA/26/C/57](#)).

<sup>9</sup> See revised section E of document [ISBA/25/LTC/6/Rev.2](#), entitled “Process for reviewing the environmental impact statement in relation to the testing of mining components or other activities requiring an environmental impact assessment during exploration”, and new paragraphs 65 to 68 in annex I thereto, entitled “Explanatory commentary”. [ISBA/25/LTC/6/Rev.2](#) replaces documents [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#), effective 8 July 2022.

<sup>10</sup> See [ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#).



45. The Commission noted that, while the generic framework and spatial components of the monitoring programme described in the EMMP were good, the monitoring programme lacked sufficient detail with regard to the overall sampling design and integrated environmental monitoring specifications that the Commission needed in order to adequately evaluate the accuracy and statistical reliability of the environmental impact statement and the Monitoring Plan.

46. The Commission therefore decided that it was unable to recommend to the Secretary-General of the Authority that the environmental impact statement be included in the programme of activities of NORI.

47. The Commission made further specific comments on areas in which it felt the environmental impact statement (and especially the EMMP) needed to include more detail or in which certain elements needed further consideration by NORI. They included aspects of the survey design, the level of benthic sediment plume monitoring, the pelagic sampling of biological impacts of the plume discharge, temporal issues of survey timing and duration, and the extent of noise monitoring. The results of the review by the Commission were sent to NORI on 15 July,<sup>11</sup> from which date NORI has 30 days to respond.

### **Major achievements of this Commission over the past six years**

48. In his closing remarks, on 15 July, the Secretary-General commended the hard work and tremendous achievement of the Commission during the twenty-seventh session and over the previous six years (from 2017 to 2022), in particular on the following aspects:

(a) Preparation and submission to the Council of the draft regulations on exploitation of mineral resources in the Area;<sup>12</sup>

(b) Preparation and submission to the Council of a total of 10 sets of draft standards and guidelines;<sup>13</sup>

(c) Adoption of the recommendations for the guidance of contractors on the relinquishment of areas under exploration contracts for polymetallic sulphides or cobalt-rich ferromanganese crusts;<sup>14</sup> revisions of and corrigendum to the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area;<sup>15</sup> and corrigendum to the annex to the recommendations for the guidance of contractors on the content, format and structure of annual reports;<sup>16</sup>

(d) Preparation and submission to the Council of the draft procedure and criteria for consideration of a request of transfer rights and obligations under an exploration contract, for consideration and adoption by the Council;<sup>17</sup>

(e) Completion of the review of the implementation of the Environmental Management Plan for the Clarion-Clipperton Zone and the establishment of four additional areas of particular environmental interest (APEIs);<sup>18</sup>

<sup>11</sup> See [ISBA/25/LTC/Rev.2](#).

<sup>12</sup> [ISBA/25/C/WP.1](#).

<sup>13</sup> [ISBA/27/C/3-ISBA/27/C/12](#).

<sup>14</sup> [ISBA/25/LTC/8](#).

<sup>15</sup> [ISBA/25/LTC/6/Rev.1](#), [ISBA/25/LTC/6/Corr.1](#), and [ISBA/25/LTC/6/Rev.2](#).

<sup>16</sup> [ISBA/21/LTC/15/Corr.1](#).

<sup>17</sup> [ISBA/27/C/35](#).

<sup>18</sup> [ISBA/26/C/43](#).

- (f) Preparation and submission to the Council of a draft Regional Environmental Management Plan (REMP) for the area of the northern Mid-Atlantic Ridge;<sup>19</sup>
- (g) Preparation and submission to the Council of a draft standardized approach for the development of REMPs;<sup>20</sup>
- (h) Consideration of three applications for approval of plans of work for exploration and submission reports and recommendations to the Council;<sup>21</sup>
- (i) Consideration of nine applications for extension of plans of work for exploration and submission of reports and recommendations to the Council;<sup>22</sup>
- (j) Provide guidance to the Secretariat on the implementation of the data management strategy of the Authority (DeepData);<sup>23</sup>
- (k) Selection of candidates for 241 training placements which represents a fivefold increase compared to the years from 2012–2016.<sup>24</sup>

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<sup>19</sup> To be issued as [ISBA/27/C/37](#).

<sup>20</sup> To be issued as [ISBA/27/C/38](#).

<sup>21</sup> See [ISBA/23/C/11](#), [ISBA/25/C/30](#) and [ISBA/26/C/22](#).

<sup>22</sup> See [ISBA/23/C/9](#), [ISBA/26/C/31-ISBA/26/C/37](#) and [ISBA/27/C/15](#).

<sup>23</sup> [ISBA/22/LTC/15](#).

<sup>24</sup> Of this figure, 44 per cent of the candidates were women. Of the placements, 40 per cent went to the Group of African States, 36 per cent to the Group of Asia-Pacific States and 23 per cent to the Latin American and Caribbean Group. An additional 161 alternate candidates were selected in the event that the first-rank candidates became unavailable.

## Annex

**Draft decision of the Council of the International Seabed Authority  
on the deferral of the schedule of relinquishment upon request by  
the Institut français de recherche pour l'exploitation de la mer**

*The Council of the International Seabed Authority,*

*Recalling* that, on 18 November 2014, the Institut français de recherche pour l'exploitation de la mer entered into a 15-year contract for exploration for polymetallic sulphides with the Authority,

*Recalling also* regulation 27, paragraph 2, of the regulations on prospecting and exploration for polymetallic sulphides in the Area (“the Regulations”),<sup>1</sup> which refers to the schedule of relinquishments of the area allocated to contractors,

*Noting* that, according to such schedule, the Institut français de recherche pour l'exploitation de la mer is required to relinquish at least 50 per cent of the original contract area allocated to it by 18 November 2022, being the end of the eighth year from the date of the contract, and at least 75 per cent of the original contract area allocated to it by 18 November 2024, being the end of the tenth year from the date of the contract,

*Noting also* that the Institut français de recherche pour l'exploitation de la mer requested to defer the schedule of relinquishment, owing to the impact of the coronavirus disease (COVID-19) pandemic on its operational activities,

*Recalling* that, pursuant to regulation 27, paragraph 6, of the Regulations, the Council may, at the request of the contractor, and on the recommendation of the Commission, in exceptional circumstances, defer the schedule of relinquishment and that such exceptional circumstances shall be determined by the Council and shall include, inter alia, consideration of prevailing economic circumstances or other unforeseen exceptional circumstances arising in connection with the operational activities of the contractor,

*Considering* that the Legal and Technical Commission has found that the reasons presented by the contractor qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”,<sup>2</sup> and has recommended to defer by one year the schedule of the first relinquishment to 18 November 2023 and the second relinquishment to 18 November 2025,

*Acting upon* the recommendation of the Commission,

1. *Determines* that the reasons presented by the Institut français de recherche pour l'exploitation de la mer qualify as “unforeseen exceptional circumstances arising in connection with the operational activities of the contractor”;
2. *Defers* the schedule of the first and second relinquishments as recommended by the Commission;<sup>3</sup>
3. *Requests* the Secretary-General to communicate the present decision to the Institut français de recherche pour l'exploitation de la mer.

<sup>1</sup> ISBA/16/A/12/Rev.1, annex.

<sup>2</sup> ISBA/27/C/16/Add.1.

<sup>3</sup> Ibid.