



Council

Advance Unedited Version
21 July 2023

English only

Twenty-eighth session

Council session, part II

Kingston, 10–21 July 2023

Agenda item 10

Consideration with a view to adoption, of the draft regulations on exploitation of mineral resources in the Area

Decision of the Council of the International Seabed Authority on a timeline following the expiration of the two-year period pursuant to section 1, paragraph 15, of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea

The Council of the International Seabed Authority,

Reaffirming its decision ISBA/28/C/9 relating to the understanding and application of Section 1, paragraph 15, of the Annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (Agreement),

Considering that commercial exploitation of mineral resources in the Area should not be carried out in the absence of rules regulations and procedures related to exploitation,

Noting that no work plan has been received under section 1, paragraph 15, of the Annex of the Agreement after the expiration of the two-year deadline on 9 July 2023.

Recognizing that agreeing on a timeline and modalities for the work of the Council until July 2024 would provide predictability to all members of the Authority as well as other stakeholders;

1. *Intends* to continue the elaboration of rules, regulations and procedures related to exploitation in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the Convention with a view to their adoption during the thirtieth session of the Authority.

2. *Requests* the Secretariat to convene Council meetings in November 2023, March 2024 and July 2024 on the dates and with the modalities detailed in the attached roadmap (Annex).

3. *Decides* to assess at the end of its July 2024 meeting, in the event that exploitations regulations are not completed, the remaining work that would be needed prior to their adoption and to consider another roadmap to that end.

4. *Decides* if an application for a plan of work for exploitation is submitted before the rules, regulations and procedures related to exploitation have been adopted, to consider at its first meeting, as a matter of priority, the understanding and application of para 15 with a view to reaching a decision.

308th Meeting
21 July 2023

Annex

Road map for continued work in relation to the draft regulations for exploitation of mineral resources in the Area during the third part of the twenty-eighth session of the Council of the International Seabed Authority in 2023 and the first and second part of the twenty-ninth session of the Council in 2024

I. Introduction and background

1. The following road map has been prepared by the President of the Council and endorsed by the Council by decision ISBA/28/C/24 for the organization of its work on the draft regulations on exploitation of mineral resources in the Area and associated standards and guidelines during the third part of the twenty-eighth session in 2023 (30 October to 8 November 2023) and for the first and second part of the twenty-ninth session of the Council in 2024 (March-July 2024).

2. The road map takes into account the progress made in the Council to date, including its meetings during the twenty-eighth session. It is based on the assumption that the current working modalities will be continued at least for the third part of the twenty-eighth session and that the allocation of time to each informal working group and to the Council plenary will reflect the work still to be completed by the respective working groups, including any work required on relevant standards and guidelines.¹ It is understood that once an informal working group completes its work, more time could be allocated to the remaining working groups.

II. Consolidated negotiating text

3. As proposed by the facilitators of the informal working groups, substantive written textual submissions are invited by 15 September 2023. Coordinators of the various informal intersessional working groups are also invited to submit the outcomes of any intersessional discussions by 15 September, to the extent possible.

4. During the meetings in March and July 2023, several delegations expressed an interest, at this stage of the negotiations, of making available a consolidated negotiating text of the draft regulations which would identify areas of overlap, duplication, omission and address the need for harmonization between the various provisions and related annexes. It is therefore proposed to issue such a consolidated negotiating text after the finalization of the third part of the twenty-eight session. This is without prejudice to the negotiations that will still be carried out on the consolidated negotiating text and the respect to the principle that '*nothing is agreed until everything is agreed*.' The delegations considered that 'the consolidated negotiating text' means a text that is not ready for adoption and that it is still subject to further negotiations and discussions.

5. The Council decided to assess, at the end of its July 2024 meeting, in the event that exploitations regulations are not completed, the remaining work that would be needed prior to their provisional adoption and to consider another roadmap to that end.

¹ In respect of the organization of the work and information on the informal working groups, reference is made to ISBA/24/C/8/Add.1, annex II and ISBA/26/C/11.

III. Collation of texts – preparation for the November meeting

6. Ahead of the meeting in November 2023, a collation of the current texts of the informal working groups will be provided. This collation will be a “copy/paste” the texts of the different groups and with clear identification of where the different elements stem from. The respective texts of each group will also be released as usual. The aim is to release the collation on 16 October 2023. The informal working groups will continue their works in the same manner, and with the same working modalities during the November meeting.

IV. Going forward

7. Delegates exchanged views on the modalities of work that will be used in developing the continued discussions on the consolidated negotiating text, in conformity with the roadmap. It was agreed to continue the discussions on the working modalities at the end of the meeting in November 2023.

8. To enable delegations to organize themselves efficiently, an indicative schedule of work will be issued at least one month before each meeting, indicating the precise dates when each informal working group is expected to convene.

<i>Organ</i>	<i>Date</i>	<i>Working methods relating to draft regulations</i>	<i>Tentative agenda</i>
Council (intersessional work between delegations as required)			
The deadline for submission of comments on facilitators' texts is 15 September 2023.			
Revised texts to be issued as soon as possible thereafter.			
Collation text: tentative date October 16.			
<i>Third part of the twenty-eighth session (30 October-8 November 2023)</i>			
Council	30 October–8 November 2023 (8 days)	Formal Meeting (0.5 days)	Standing items and remaining items on the agenda requiring decisions by the Council.
		Informal meetings of working groups and of the Council in plenary (subject to progress made by each group during the second part of the twenty-eighth session):	
		(a) Open-ended Working Group in Respect of the Development and Negotiation of the Financial Terms of a Contract (2 days)	(a) To continue its work on the basis of progress made at the Council's meeting in July 2023, with a view to finishing its work and reporting to the plenary.
		(b) Informal Working Group on the Protection and Preservation of the Marine Environment (2 days)	(b) To continue its work on the basis of progress made at the Council's meeting in July 2023, with a view to finishing its work and reporting to the plenary.
		(c) Informal Working Group on Inspection, Compliance and Enforcement (1 day)	(c) To continue its work on the basis of progress made at the Council's meeting in July 2023, with a view to finishing its work and reporting to the plenary.
		(d) Informal Working Group on Institutional Matters (1 days)	(d) To continue its work on the basis of progress made at the Council's meeting in July 2023, with a view to finishing its work and reporting to the plenary.
		(e) Council, in plenary (1.5 days)	(e) To continue its work on the basis of progress made at the Council's meeting in July 2023, with a view to finishing its work and reporting to the plenary.
		Formal meeting - Review of the progress on the Regulations. Report by the Facilitators - Review of modalities of ongoing work.	

Council (intersessional work between delegations as required)			
<i>First part of the twenty-ninth session (4-29 March 2024)</i>			
Legal and Technical Commission	4-15 March (2 weeks)		
Council	18-29 March (2 weeks)	• Plenary and standing agenda items. • Consideration of the consolidated negotiating text, which is to be facilitated by the President. Informal meetings as appropriate and of the Council in plenary (subject to progress made by each group and the Council during the third part of the twenty-eighth session) • Review of the progress on the Regulations • Adoption of the Regulations (in the event they are ready for adoption)	Precise agenda to be agreed on the basis of outcomes at the third part of the twenty-eighth session in November 2023.
Council (intersessional work between delegations as required)			
<i>Second part of the twenty-ninth session (1 July 2024-2 August 2024)</i>			
Legal and Technical Commission	1-12 July 2024 (2 weeks)		
Finance Committee	10-12 July 2024 (3 days)		
Council	15-26 July 2024 (2 weeks)	• Consideration of the consolidated negotiating text, which is to be facilitated by the President. Informal meetings as appropriate and of the Council in plenary • Adoption of the Regulations (in the event they are ready for adoption)	Precise agenda to be agreed on the basis of outcomes at the first part of the twenty-ninth session in March 2024.
Assembly	29 July-2 August 2024 (1 week)		