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

Report on the public consultation organized by Belgium

Submitted by the delegation of Belgium

I. Introduction

1. During the second part of its twenty-fourth session of the Council, the Chair of the Legal and Technical Commission reported that the Commission had considered the environmental impact assessments and their associated monitoring plans, submitted by the German Federal Institute for Geosciences and Natural Resources and Global Sea Mineral Resources, respectively, to test mining components and that a working group would continue the review process intersessionally and would communicate its comments to the Secretary-General at the earliest opportunity (see [ISBA/24/C/9/Add.1](#), para. 13).

2. In its statement on the report of the Chair of the Legal and Technical Commission, the delegation from Belgium announced that as sponsoring State, had organized a public consultation of the environmental impact statement for the test scheduled for February 2019 and invited anyone wishing to submit written comments to do so.

3. The results of this consultation were transmitted to the Authority in the first week of December 2018 and can be found on the website of the Belgian Federal Public Service Economy.¹

II. Reason for submitting

4. As this was our first public consultation on the environmental impact assessments relating to deep-sea mining, Belgium expected to have some issues with the procedure and timing of the public consultation.

¹ <https://economie.fgov.be/en/themes/enterprises/deep-sea-mining/workshops-and-public/environmental-impact-statement>.



III. Objective

5. The present paper aims to provide the Council with the lessons learned during this process, so it may be used, as appropriate, by the Legal and Technical Commission in the elaboration of any rules, regulations or procedures requiring public consultations.

IV. Lessons learned

6. The first hurdle encountered was the proprietary nature of the environmental impact assessments, which made the public consultation possible only if the contractor agreed to disclose the document. Fortunately, in our case, this was a hurdle quickly overcome.

7. The second hurdle was the lack of a clear procedure and deadlines for stakeholder contribution in the evaluation of environmental impact assessments by the Legal and Technical Commission. Without it, time became less of an essence and resulted in our late submittal of our comments on environmental impact assessments. However, we are of the opinion that waiting to start the consultation until after the expert reviews became available was the correct call.

8. Concerning the communication on the public consultation, our communication on the national level was effective. However, it was not effective on the international level, as its announcement to the Council was only made halfway through the public consultation period and failed to be reported on. In the future, Belgium will submit, as soon as a date for the consultation has been set, a request to the Secretary-General to inform all Member States and observers of the announcement of the public consultation and to post an announcement on this public consultation on the Authority's website.

9. Finally, we would also ask contractors to ensure that all documents referred to in the environmental impact assessments, such as annual reports, are publicly available in whole or in part.

10. An alternative approach could be to have the Secretariat organize the public consultations and to have the Secretary-General request all Member States and observers to disseminate the announcement.

V. Recommendation

11. The Council is invited to take note of the information provided and to request the Commission to use the information provided by the present report, as appropriate, when considering the process for its review of the proposal of an environmental impact assessment for test mining or test mining components and other regulations requiring public consultation.