



Template for the review of the draft standards and guidelines associated with the Draft regulations on exploitation of mineral resources in the Area

I. Background

1. The Draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) require that certain issues are addressed in accordance with, or taking into account, standards and guidelines to be developed by the organs of the Authority. The standards will be adopted by the Council and will be legally binding on Contractors and the Authority, whereas the guidelines will be issued by the Legal and Technical Commission or the Secretary-General and will be recommendatory in nature.
2. Stakeholders consultations are an integral part of the process decided upon by the Commission for the development of the standards and guidelines ([ISBA/25/C/19/Add.1](#)).
3. The Legal and Technical Commission will consider the comments received through the stakeholders consultation at its next session.
4. The drafts include a cover page containing substantive background and contextual information on the approach taken by the Commission in developing each standard and guidelines. Review comments are not being sought on this background information.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and Commission once the content of the various standards and guidelines is finalized following stakeholders consultations.

II. Submitting Comments

6. To ensure that your comments are given due consideration, please send them by e-mail to ola@isa.org.jm, at your earliest convenience but **no later than the date announced on the ISA website for the relevant draft standards and guidelines**.
7. When submitting comments, please adhere to the following guidance as much as possible:
 - a. Please provide all comments in writing and in an MS Word .doc or .docx format using the table provided below.
 - b. The table format allows for an unlimited number of comments to be added. To add more comments, you may add more rows.

- c. Please provide full contact information for the individual/Government/organization submitting the comments.
 - d. Please avoid commenting on issues related to format, grammar, spelling or punctuation, unless it affects the overall meaning of the text, as the document will be formatted and edited when the final draft is prepared.
 - e. To facilitate the revision process please be as specific as possible in your comments. In areas where you feel additional or alternative text or information is required, please suggest what this text may look like or what information should be included.
 - f. Text may be copied from the draft into the table if stakeholders wish to use "track changes" in editing text (this is encouraged to ensure accuracy and avoid numbering errors).
 - g. If you refer to additional sources of information, please include these with your comments when possible or provide a complete reference or hyperlink.
 - h. All review comments will be posted on the ISA website, unless otherwise requested by the submitting entity.
8. Should you have any questions regarding the review process, please contact ola@isa.org.jm.

III. Template for Comments

- 9. Please use the review template below when providing comments.
- 10. Line and page numbers have been provided in the drafts. Please use these as a reference as illustrated in the table below.

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft standard and guidelines on the development and application of environmental management systems
<i>Contact information</i>	
Surname:	GUILLEN GRILLO
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General Comments		
Costa Rica would like to thank the LTC for its hard work. We also wish to reiterate that since this document refers to the Regulations, which are still pending of negotiation and eventual adoption, these guidelines will need to be reviewed again by stakeholders once the final draft of the Regulations is agreed.		
There should be a mention of the legally binding character of the standards.		
All environmental objectives should be measurable. Either through direct measurements of natural variables or by constructing indicators and assessing their performance (page 5, line 142).		
The duration of the EMS should be consistent with the duration of the impacts. Long term impacts of this activity can easily surpass 5 years, which is the definition in the document (page 5, line 148). There is no intermediate category between long term and short term objectives.		
The Guidelines on the scope and standard of baseline data collection should also be open for comments. (page 6, line 191).		
The decision on how to manage ‘identified issues’ (page 6, line 186) should not be entirely dependent on the contractor. Authorities, both in environment and engineering should accompany the process, assess the results and decide on the proposed plan.		
With regard to page 7, line 215, a general recommendation that has been applied in recent years to tailings dams in continental mining is that financial constraints should not be a determining factor when evaluating potential project designs or mitigation measures. Mitigation measures should be the limiting factor for project design, especially when dealing with high levels of uncertainty. If the ALARP principle incorporates financial constraints, it should be disregarded in favor of more protective standards. BAT should be applied from the design stage of the project.		
Regarding nonconformities (page 7 and 8, lines 241 to 264), it should be clearly established that any nonconformity has the potential to lead to severe sanctions and even the cancellation of the project, depending on the scale of the harm. Any nonconformity should constitute a notifiable event (page 10, line 369).		
Specific Comments		
Page	Line	Comment
1	Par 1	The identity of consultants should be released for the sake of transparency
1	Par 2	Include reference to the effective protection of the marine environment, in accordance with art 145 of UNCLOS, as a consideration for the development of environmental objectives
2	15, 16	Add “...consistent with the Environmental Management and Monitoring Plan and all environmental baseline information available”
2	31	Replace “identify and understand the key issues of the seabed mining operation that may have an impact on the marine environment” with “identify and understand the key issues of the seabed mining operation that may have both local and synergistic impacts on the marine environment
3	55	Baseline data should not be limited to the seabed. A most appropriate title may be <i>Environmental baseline data</i> .
5	138	Change “ any environmental rules” for “ all environmental and other relevant rules”

5	148	Please change wording so that it reads: “ environmental objectives will include long and short term objectives”
5	159-160	Provisions for contingencies resulting from the actions taken to achieve the environmental objectives is an integral part of an environmental strategy to avoid secondary impacts. Please add: f) Individual and detailed assessments and contingency management plans to mitigate/remediate potential impacts of the activities.
6	191	Please add standards before guidelines .
6	201	Please replace would with should
6	173	The provision for Company EMS should be included
7	207-209	Environmental obligations shall not be reduced to “pollution”. It must cover everything entailed in the effective protection of the marine environment.
7	205	A contractor should be required to establish every measure necessary to ensure the effective protection of the marine environment from harmful effects that may arise from such activities, as established in UNCLOS art 145.
7	218	Please delete “whenever possible” .
8	267	The result of the audit shall be informed to the Authority
8	287	Subcontractors should also be accountable to the same environmental requirements applied to contractors.
8	280	Please replace “develop an environmental self-assessment form...” with “develop an environmental self-assessment form based on ISA recommendations, regulations and guidelines...”
9	296	Contractors must be obliged to request regular reporting of environmental performances of the subcontractors and inform the Authority
10	336	The performance evaluations shall be reported to the Authority once every year.
10	342-344	The fact that a contractor does not have resources to improve its performance cannot result in an implicit authorization to lower its compliance with environmental protection standards. Paragraphs 43 and 44 must be deleted
10	369	Breaches should be included in the list of notifiable events
11	389	Which body will perform the external audits? It should be clarified.
11	409	Results of the audits should be transmitted to the Authority

Comments should be sent by e-mail to ola@isa.org.im