



Intervention on reg 46bis - Environmental Impact Assessment
Delivered 22 July 2022

Thank you Madame Facilitator.

With regard to DR 46bis, the Deep-Ocean Stewardship Initiative have very specific comments which we will submit via the template in due course, but would like to share some key parts here:

First, DOSI also suggests the addition of “and a scoping report” to DR 46bis Para 2a so that the scoping process is documented and can be consulted upon by stakeholders. DOSI further suggests a definition of scoping process and report, as well as the minimum requirements for this, either within 46bis Para 2a or as a new regulation or as an Annex.

Second, we suggest adding a sentence to DR 46bis Para 2a on the assessment of the available environmental baseline data and their compliance with the relevant Standards, as without robust and standardized environmental baseline data all follow up steps won't be effective.

Third, DOSI suggests the Regulations should be checked through for consistency around the use of the terminology of avoid, minimize, and remediate, following the mitigation hierarchy. We note that ‘Mitigation’ is a defined term, so that term should be used consistently. Related, we note confusion on the way that ‘Mitigation’ is defined in the Schedule of Terms in the draft Regulations. The first 3 parts of the definition reflect the familiar ‘avoid, minimize, remediate’ hierarchy used in environmental management. But the 4th part speaks to “*Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the mining activity*”, which is not so familiar. It would be helpful to understand better what is meant by that sub-paragraph (d) in the defined term for ‘Mitigation’ in the Schedule to the Regulations, or perhaps to delete it.

Fourth, we have a comment regarding the possibility of off-setting the environmental harm caused by deep-sea mining in the Area with activities in other ecosystems in other parts of the ocean. Like Costa Rica, we recommend that focus shall be on the first two steps of the mitigation hierarchy: first, avoid and second, minimize. We remind the council that, according to current scientific evidence, restoration or remediation - the third step in the mitigation hierarchy - and offsetting - the 4th step in the mitigation hierarchy - are not viable options. There have been to date no restoration experiments carried out in deep-sea ecosystems under mineral exploration, and experiments from comparable deep-sea ecosystems point to very slow and very incomplete recovery. Long-term multi-decadal-scale research is needed to prove or disprove that restoration is possible in the deep sea. Additionally, “Out of kind” measures, an option for compensation currently proposed, cannot replicate biodiversity and ecosystem services lost through mining of the deep seabed and thus cannot be considered true offsets.

Fifth, we suggest to add text at 46bis Para 4 on the need of qualified, independent and competent environmental impact assessment practitioners and scientific experts to carry out the EIS



Finally, we suggest adding points in Para 4 on the identification of scientific knowledge gaps or data uncertainties and the necessity of stakeholder involvement, as raised by Germany.

Many thanks Madame Facilitator.