



**Comments of France on the review of the draft standards and guidelines associated with the Draft regulations on exploitation of mineral resources in the Area**

**Commentaire général, applicable aux trois projets de standards et lignes directrices: La délégation française réitère l'importance de pouvoir travailler dans les six langues officielles et de permettre à l'ensemble des délégations francophones d'étudier et réagir à des documents transmis par l'Autorité internationale des fonds marins en langue française.**

**General comment, applicable to all three draft standards and guidelines: the French delegation reiterates the importance of being able to work in the six official languages and to enable all francophone delegations to study and react to documents circulated by the International Seabed Authority in French.**

| <i>Document reviewed</i>  |   |
|---|---|
| <b>Title of the draft being reviewed:</b>   | Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee developed by the Legal and Technical Commission |
| <i>Contact information</i>  |   |
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| <i>General Comments</i>   |   |
| <p>Could the establishment of a list of voluntary independent validators be considered (perhaps on the model of the lists of experts established in accordance with article 2 of Annex VIII of the UNCLOS) ? This could facilitate the process for some contractors and could guarantee the independence of validators.</p> |   |
| <p>About the post-closure monitoring, how long does the Authority expect the Contractor to monitor the residual environmental effects?</p>  |   |
| <p>What happens to the EPG if the exploitation contract is renewed or extended? Is the EPG reviewed/updated based on information collected throughout the timespan of the exploitation contract (30 years), or simply postponed to the next closure date, or something else?</p>  |   |

| <i>Specific Comments</i> |       |  |
|--------------------------|-------|--|
| Page                     | Line  | Comment  |
| 2                        | 56-57 | To what extent?  |
| 3                        | 78    | Which organ is in charge of the review and re-validation of the EPG?   |
| 7                        | 215   | Which is the level of uncertainty implied by the use of the formula “will hold”?                                     |
| 9                        | 270   | <u>Figure 2</u> : What are the Contractor’s terms and obligations (e.g. timeframe...) to rectify the Closure Breach? |

| <i>Document reviewed</i>   |  |   |
|--|--|---|
| <b>Title of the draft being reviewed:</b>  | Draft standard and guidelines on the development and application of Environmental Management Systems developed by the Legal and Technical Commission |   |
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| <i>General Comments</i>  |  |   |
| <p>The expressions “Environmental Impact Assessment” and “Environmental Impact Statement” seem to have evolved. Given the lexical proximity, the difference between the two remains unclear. An explanation and clarification of those concepts would be welcomed.</p> |  |   |
| <i>Specific Comments</i>   |  |   |
| Page   | Line   | Comment   |
| 2  | 10   | Please add “(Draft Regulation 46)” at the end of the sentence to make a direct reference to the concerned regulation.   |
| 4  | 105, box 7   | <u>Box 7: Audits and management review:</u><br>Please add “internal and <b>external audits</b> ”.   |
| 5  | 124  | Please replace “outcome” by “outcomes”.   |
| 5  | 125  | Please replace “improvement” by “improvements”.   |
| 5  | 148  | Please replace “long-term” by “mid-term” or replace “(e.g. 3 – 5 years)” by a longer timeframe, i.e. “(e.g. 20+ years)”.<br>Environmental objectives should be of the same timeframe than the exploitation contract phase (30 years, Regulation 20 (1.) of ISBA/25/C/WP.1) and potential subsequent renewal phase(s). |

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|----|-----|--|
|    |     | It would also be useful to harmonize the utilization of the terms “objectives” and “targets or goals” throughout the different guidelines.   |
| 7  | 218 | Please delete “whenever possible”.   |
| 8  | 263 | Please replace “follow-up audit” by “follow-up internal and external audits”, according to what is expected by the Authority.  |
| 8  | 289 | Can the Authority specify what kinds of “training activities” are required by the Contractor?  |
| 9  | 330 | The legal requirements are likely to evolve over the timespan of the exploitation contract (30 years+). How does the Authority intend to address this issue regarding the EMS and the evaluation of performance (see VI. B. (4.))?                     |
| 9  | 332 | Please add guidelines for baseline study, EIA, environmental management and monitoring (see subsections IV.B, IV.C, VI.A).   |
| 11 | 387 | Please add the possibility for the Contractor to entrust the audit to a certification body: “ <i>second party audits</i> are external audits carried out by the Contractor or <b>a certification body</b> , auditing its subcontractor and suppliers”. |
| 12 | 433 | Please replace “including trends” by “including positive or negative trends”.  |
| 15 | 565 | Please add “in the Area” at the end of the sentence.   |

| <b>Document reviewed</b>                  |   |  |
|---|---|--|
| <b>Title of the draft being reviewed:</b> | Guideline on the preparation and assessment of an application for the approval of a Plan of Work for exploitation developed by the Legal and Technical Commission |  |
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| <b>General Comments</b>                   |   |  |
|   |   |  |
| <b>Specific Comments</b>                  |   |  |
| <b>Page</b>                               | <b>Line</b>   | <b>Comment</b>   |
| 2   | 18  | What is the status of the exploration contract during that delay?  |
| 7   | Row 5   | <u>Material accompanying the application:</u><br>In accordance with regulation 13 (point 3.a), the Commission shall determine the use of appropriately qualified and adequately supervised |

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|   |       | personnel. The application should contain records of the experience, training and qualification of the personnel. It seems that this requirement is not addressed in the checklist (no mention in section 11.2 of the standard clauses for Exploration contracts, in the Mining Workplan or in the Training Plan...).  |
| 7 | Row 6 | What is the “most recent international standard used by the Authority” (WGS84)? And how should the coordinates be formatted (decimal degree, degree decimal minutes, degree minutes seconds...)?   |
| 9 | 54    | <p><u>Annex II – Flow chart</u></p> <ul style="list-style-type: none"> <li>- Please explicit the terms “Environmental Plans”: do they refer to the Environmental Impact Assessment / Statement and/or the Environmental Management and Monitoring Plan?</li> <li>- Please add the terms EIA, EIS and EMMP in the diagram</li> <li>- “At least 12 months prior to production, contractor delivers feasibility study” is not consistent with Annex II Mining Workplan of the draft regulations (<i>a feasibility study or a pre-feasibility study is expected</i>)</li> <li>- Please replace “feasibility study” by “Feasibility Study (FS)”</li> <li>- Should the Feasibility Study (FS) required to be delivered to the Authority 12 months prior production meet CRIRSCO standards (International Mineral Resources and Reserves reporting)?</li> <li>- When is a Pre-Feasibility Study (PFS) required to be submitted to the Authority? In the mining industry, a PFS is also required before the FS, to be produced before entering into production.</li> </ul> |

Comments should be sent by e-mail to [ola@isa.org.im](mailto:ola@isa.org.im)