



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.im, 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:	<ul style="list-style-type: none"> • Draft standard and guidelines on the development and application of environmental management systems.
<i>Contact information</i>	
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General Comments

By reading this guideline jointly with the Exploitation Regulations (ER), it is not clear how the Environmental Management System (EMS) shall be applied and how this will be implemented in terms of the Environmental Management Plan (EMP) and other environmental considerations on the ER.

It would be desirable to clearly state the following: i) the scope of the EMP *vis a vis* the Plan of Work and the exploitation operations; ii) the starting point in which the EMS shall apply or be implemented; iii) in which stage(s) of the process the EMS will be monitored & assessed (this assessment of the performance of the EMS is vital to very its efficient implementation as due diligence practice) and; iv) that the EMP shall be in place until the Contractor conducts its final performance assessment and submits a final performance report to the SG to ensure that the closure objectives, as described in the final Closure Plan, have been met.

Finally, EMS shall include a guideline that allows the assessment and management of risk & opportunities to ensure its objectives of preventing or reducing unwanted effects, including the possibility of affections from environmental conditions and externalities to the organization and achieve continuous improvement.

Specific Comments

Page	Line	Comment
2	22, 23, 24	Assuming that the current version of ISO 14001 is referred to in this paragraphs so the dispositions of leadership are being considered, section 4 “Context of the Organization” is not included. This section of ISO 14001 establishes the duty to determine the limits and applicability of the environmental management system, among other points of equal relevance for a effective implementation of such EMS, thus it shall also be included. Accordingly, lines 22 & 23 should read: ISO 31000:2018 Risk management –Guidelines, ISO 14001:2015 Environmental management systems – Requirements with guidance for use & “ <u>Context of Organization</u> ”. Please delete “Principles” in line 22, in consistency with ISO.
2	37	It is desirable to establish the periodicity of monitoring activities regardless of or separately from the reporting obligation stated in ER 51.a, for exploitation activities.
2	40	Include an additional letter e), for the implementation of programs that emerge from the assessment and identification of areas for improvement as a parallel final step of the development and operationalization of the EMS.
3	59	Nonconformities shall be included in sections VI & VII, in consistency with ISO 14001.
4	103-105	EMS shall include a guideline that allows the assessment and management of risk & opportunities to ensure its objectives. Thus, such “risks” and “opportunities” shall be considered as part of the identification of

		requirements in the core process illustrated in number 4 of the figure.
4	108	Considering that the ER are still in process of negotiation and no final version has been agreed, terms and references of the guidelines shall be updated to the final version of the ER.
5	119	The senior management of the Contractor shall demonstrate leadership not only in ensuring that environmental <u>policy & objectives</u> but “strategies”, “plans” and relevant “guidelines” are established.
5	155	(a) Please exchange (action) for (lines of action) which is more accurate in operative practices.
5	159	(e) the results shall include monitoring indicators in order to evaluate the achievement and measurement of the environmental objectives.
6	175-187	“Legal requirements” Following “14. Strategy” in line 152, it is desirable to consider a compliance assessment mechanism that periodically evaluates, identifies and proposes amendments and performance indicators on the EMS/EMP
6	189	It is not convenient that the Baseline data for the seabed guidelines are established by the Contractor itself but by the Authority/Sponsor State or other authorized third party. Please clarify who will develop or provide such “guidelines” on the scope and standard of baseline data collection.
7	210	In line with the general liability for injurious consequences resulting from dangerous activities (objective or strict liability in civil law regime), it shall include the traditional consequence of ensuring restoration and compensation of enhancing prevention of environmental damage. Based on the foregoing, these lines shall be read: The Exploitation Regulations provide that the Contractor shall take necessary measures to prevent, reduce and control pollution and other hazards to the marine environment from its activities in the Area, “ <u>including such actions to mitigate and remediate/restore the affected area</u> ”.
7	215-218	The following clarifications are suggested: The Contractor has to establish <u>adequate</u> mitigation measures to reduce the environmental effects <u>to as low as is reasonably practicable (ALARP principle)</u> . <u>Wherever technically possible</u> , Best Environmental Practices, Best Available Technology (BAT) and Best Available Techniques should be used.
8	251-252	In line with the comments made for page 7, line 210; Remediation/restoration shall be included in the actions to address consequences arising from environmental impacts.
10	363-367	“Performance indicators” shall be included as monitoring parameters to the annual reporting
10	369-371	Response, mitigation, restoration, remediation and other so-related actions, shall be considered as notifiable event to the SG.
11	383-410	The proposed guideline does not provide the frame to conduct the third party audits. If such audits shall be performed in terms of ER 75, an explicit reference to such regulation is desirable.
11	392	The proposed guideline is ambiguous and does not specify when the

		Contractor should carry out an annual audit and when a bi-annual audit, if this will depend on the first, second or third audits, or will be the Contractor itself who will decide the periodicit. Also, it is important to confirm if the periodicity of such audits shall be understood as to be performed every two years (biennial) or twice a year (biannual).
<i>Additional rows can be added to this table by selecting "Table" followed by "insert" and "rows below"</i>		

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