



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 developed by the Legal and Technical Commission
<i>Contact information</i>	
Surname:	Hernández
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General Comments		
The Environmental Management System is a key part of the general management system. The Contractors shall apply it, including the organizational structure, planning activities, responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining environmental policy, goals, and environmental performance.		
This objective of the Environmental Impact Assessment in the ISA negotiation should consider as a basis the preservation and protection by States of the marine environment, as a general obligation established in UNCLOS, recognizing that the Area is a Common Heritage of Mankind Principle. The scopes are different, and, in this sense, Part XII of UNCLOS is key to understanding this issue.		
We suggest adding a mention to the "Deming cycle" (Plan - Do - Check - Act) as the overall frame to develop environmental management systems.		
We suggest mentioning at the beginning of the standards that they are legally binding.		
These comments do not imply that our country accepts the current Draft Regulations on the exploitation of mineral resources in the Area.		
The specifications established in these lines offer a guideline on the content of the environmental impact management system for the activities, also providing support to the proponent in the structure in which its management system must contain and the evaluator in the proposal review process		
Specific Comments		
Page	Line	Comment
2	16	Please add "control" in the line of "management and monitoring plan."
2	18-19	Please add "mitigation" in the line of "allows for the prevention and control of pollution of the marine environment from mining operations."
2	28	It is important to establish that these should be set prior to the beginning of the exploitation.
2	31, 32	Please eliminate "may" in the sentence "identify and understand the key issues of the seabed mining operation that may have an impact on the marine environment." And replace it with "will."
2	34	We suggest adding "designed" as follows: "Ensure that its operations are designed, planned and carried out..."
2	35	We suggest this propose: "manner to prevent, eliminate or minimise harmful effects on the marine environment;"
2	37	Please add "control" in the line "(...) establish monitoring activities to follow up and be able to check (...)".
2	40	We suggest adding a literal (e) related to the implementation of the identifies areas and actions for improvement.
3	63	Please add "control and management" in the line "Environmental monitoring plan."
4	91	Please add "orient" in the line "The objective of these Guidelines is to describe and orient how an environmental management system."

5	159	It is important that the strategy also takes into account "where."
6	168	We suggest adding "on due time" as follows: "reporting on due time on the performance..."
6	170	We suggest adding "on due time" as follows: "reporting on due time to ISA..."
6	201	Please replace "would" with "should" in the line "Contractor would conduct an EIA and report on its results."
7	208	Please add "mitigation" in the line "(...) prevent, reduce and control pollution and other hazards (...)"
7	215	Please replace "should" with "shall" and add "and others" after mitigating as follows "The Contractor shall establish suitable mitigating and other measures to reduce the environmental (...)"
7	216	We suggest including "Based on the best available scientific evidence:" before Best available practices..."
7	227	Please replace "should" with "shall" and add "and others" after mitigating as follows "The Contractor shall ensure that the mitigating and other measures take into account ..."
8	264	We suggest replacing "should" with "shall." It is necessary to ensure the corrective actions' implementation and effectiveness; if the follow-up audit still finds nonconformities, new corrective actions must apply until they are fulfilled.
8	270-271	We suggest replacing "environmental issues are taken into consideration when.." with "environmental considerations when..."
8	274-275	We suggest replacing "to ensure that environmental issues are taken into consideration" with "to ensure environmental considerations when..."
8	278-286	We suggest adding a bullet point related to subcontractors' alignment with the Contractor's environmental policy and objectives.
8	289	The provided training shall be periodic and aimed, among other issues, to accomplish the environmental objectives. The line could be as follows: Provide regular training activities to subcontractors, particularly focused on meeting environmental objectives.
9	290-291	These meetings should include topics related to roles, responsibilities, and authorities (section III.C)
9	300 - 304	It is vital to make explicit that these plans must be prepared under the logic of continuous improvement. After an emergency, the plans must be review and updated as necessary.
9	308	We suggest adding "management" to the title, and throughout the draft, to be coherent with the language used in the draft regulations.
9	310-311	For clarity, we suggest using the same language used in the draft regulation as follows: "The purpose of an Environmental Monitoring and Management Plan is to manage and confirm that Environmental Effects meet the environmental quality objectives and standards for the mining operation."
9	313	Please clarify who will determinate and approve which parameters need continuous or in defined intervals monitoring.

9	319	We suggest adding a mention to the management plan and make the implementation mandatory as follows: "The management and monitoring activities shall be implemented according to the established management and monitoring plan (draft regulation 48)
10	333	Please replace "may" with "shall."
10	342-344	It is necessary to establish a procedure or mechanism for cases in which a Contractor cannot increase the available resources to improve his performance. The lack of resources or capacity cannot be a reason to lower compliance with environmental protection standards or neglect the processes or actions.
10	359 - 361	The annual reporting to ISA must also be based on the results of the evaluation of performance (section VI.B)
10	363	Please clarify which process is being referred to. Is the content of the report to ISA? The content of those bullet points should be included, not described, and based on the Environmental Monitoring and Management Plan
11	389	It is necessary to have clarity regarding which certification body can carry out the external audits.
11	410	We miss a paragraph related to the third-party audits procedures, periodicity, planning, and implementation. Please include it.
11	417	Please replace "should" with "shall."
12	449	We suggest adding at the end of the sentence the phrase: "including the necessary means to achieve them"
12	450	We suggest adding a literal (g) related to the planning of the next management review.
12	451	We suggest replacing "should" with "shall." And include the minimum period of time in which the Contractor must have documentation of evidence available.
13	458-461	The Contractor should also ensure the sufficient resources necessary to deal with contingencies and emergencies as established in the respective plan.
13	474	The provided training shall be periodic. The line could be as follows: "preparing a competence plan for relevant personnel and provide the necessary regular and continuous training."
13	492	Please clarify or revise the redaction of paragraph 68.
<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