



**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. Stakeholder consultation is 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 stakeholder consultation during its current session.
4. The drafts include a cover page containing background and contextual information on the approach taken by the Legal and Technical Commission in developing each standard and guidelines. Please note that stakeholder comments are not sought on this cover note.
5. Issues of format and consistency across the standards and guidelines will be reviewed by the secretariat and the Legal and Technical Commission once the content of the various standards and guidelines is finalized following stakeholder consultation.

**II. Submitting Comments**

6. To ensure that your comments are given due consideration, please send them by e-mail to [ola@isa.org.im](mailto: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 by the Legal and Technical Commission.
  - 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](mailto: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>	
<b>Title of the draft being reviewed:</b>	Draft Guidelines for the preparation of environmental management and monitoring plans
<i>Contact information</i>	
<b>Surname:</b>	Langman
<b>Given Name:</b>	Robert
<b>Government (if applicable):</b>	
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<b>General Comments</b>		
No reference in the Draft Guidelines to the Electronic Monitoring Systems required by the draft Exploitation Regulations. In our view, this important information regarding the place of effect is critical in understanding the impacts, and determining the mitigation, monitoring and management plans. Information on the exploitation plan should be updated with EMS data as exploitation progresses to ensure the EMMPs are targeted at the effects and impacts.		
There is no reference within the Draft Guidelines document to the Human Environment. Fisheries and Navigation, whilst not currently a primary focus, should also be considered in the EMMP to ensure that the protocols in place are effective and impacts predicted in the EIS are in line with those observed. e.g. Term ... should be used consistently throughout the draft		
Where there is cross referencing to other guidelines documents within this Draft Guideline document it is not consistent in how it is presented, and/or it is not clear E.g. Paragraph 68 in relation to that a waste assessment and prevention audit should evaluate 'The amount, type, and hazard of the waste [In accordance with Guideline 5]'		
We would suggest that the Draft Guidelines document would benefit from including, where possible, links to documents referenced within the Draft Guidelines.		
There should be clearer signposting in document and structure e.g. reference made to 'Competent persons' as a requirement, but here no further definition in the Draft Guidelines document of what a 'Competent person' is.		
It would also be useful to see a glossary of terms up front, ensuring consistency of wording across the various documents.		
<b>Specific Comments</b>		
<b>Page</b>	<b>Line</b>	<b>Comment</b>
1	48	In List of Abbreviations and Acronyms 'ISBA' is used for International Seabed Authority, however, in the paragraph the " <i>International Seabed Authority (the ISA or the Authority)</i> " is used. We suggest consistent use of ISA throughout to avoid confusion.
2	111	<i>"Environmental management is critical, particularly for the conservation and sustainable use of the oceans, seas, and marine resources for sustainable development consistent with the UN Sustainable Development Goal 14"</i> . Is there a Reference for this? And which of the targets listed under 'Goal 14' is relevant for the activity?
	12	Regulation 2 is referenced. What legislation is Regulation 2 referring to? Prior to paragraph 12, Regulation 48 and annex VII is listed for the draft regulations on exploitation and Regulation 52 is mentioned in Paragraph no. 13) so is this perhaps a typo or is reference to Regulation 52 they typo?
3	126	Please clarify what "independent" means in this context?
3	134	As well as the bullets listed, we believe an EMMP should also: <ul style="list-style-type: none"> <li>• identify where the precautionary principle was applied, and what hypotheses are being tested to allow these precautionary measures to be removed once the science demonstrates the effect;</li> <li>• Be proportionate and linked to the volume of disturbance and footprint of effect. Therefore, we would suggest adding in here a</li> </ul>

		link to the historic and ongoing production activity and EMS data collected during extraction operations.
3	136 137	Can a full list of these ‘other plans’ be provided alongside the Closure Plan and Emergency Response and Contingency Plan, even if these are listed or marked as a minimum required, and additional ones maybe expected, or links to relevant Appendices? It would also be useful for ISA to publish their expectations for these linked plans as soon as they are referenced to ensure that these plans are achievable, realistic and practicable.
3	145 146	Can more details on Good Industry Practice and Best Available Scientific Evidence/Techniques be provided as examples?
3	157	Reference to Section 3 whereas we assure this should be referenced to Section III.
4	177	It would be useful to provide some guidance on what the EMS (Environmental Management System) and environmental policy are required to contain. It would also be useful to find a way to separate the acronym for the Environmental Management System and the Electronic Monitoring System required for exploitation.
4	209	Reference to Section 3.5.1 which doesn’t exist in the document
6	273	We think it would be useful to also detail the impact/effect hypothesis being tested by each monitoring component, and therefore to be able to tie this back to the survey technique to ensure it is only monitored for the time it is required to prove or disprove the hypothesis. In this way a full feedback loop can be established to the EIA and ERA, allowing the monitoring to be adapted as required.
6	288	A cross reference to ISA Guideline on Baseline Data Collection (and other relevant guideline documentations) would benefit the reader, as the list is very broad. We feel it may be beneficial to highlight the results of the monitoring if applied at the concession scale, compared with those at a typical annual scale impact and perhaps draw the users to the use of a “type site” here – i.e. very detailed monitoring around a single operation that could be applied to wider impact regions or at the concession scale.
7	298	We think the consistent use of EIA terminology would be useful across all documents. Here the term “Non-significant environmental effects” is used but it is not clear what this term means from an EIA perspective.
7	300	Justification should be provided for the requirement to monitor effects that are not significant over and above the standard monitoring that may be required for significant effects. Also some consideration of how potential non significant and significant environmental effects treated differently, e.g., are to be monitored differently?
7	302	We assume that “The specific details relating to each potential significant Environmental Effect...” should be read as “The specific details relating to the monitoring methodology for each identified potential significant Environmental Effect...”. It would be helpful to clarify this is our interpretation is correct.

		Also, if this interpretation is correct, does this imply that that monitoring can be reduced if the resources are not available e.g., financial and human?
7	330	It would be useful to have sight of the Standard and Guidelines on Closure Plans before incorporating these into this guideline document to understand what is expected of them.
7	337	Whilst we agree with the sentiment of the statement in paragraph 39, it would be useful to understand how the relative importance, impact and uncertainty are judged against one another.
8	362	This seems excessive and may be anti-competitive as prices can be fixed by suppliers if they know what is being charged elsewhere. If publication of such information is required, we suggest that an amalgamated monitoring cost is recorded to prevent the detailed costs of individual components of the monitoring programme being identified.
8	375	Will the Authority confirm with Applicant/Contractor that not all sampling methodology is applicable to all resource types, or is this decision solely on the Applicant/Contractor? Also, will there be advice on how datasets should be compared or converted if alternative techniques have been used or will this be down to the licensee to demonstrate?
9	387	We suggest the addition of a bullet here to reference alignment of the monitoring stations with the stations used for the baseline surveys.
10	440	If the specifications of the Performance Assessment are to be revised by the Authority, after an EMMP has been developed, can the EMMP be readily adapted by the Applicant/Contractor without any risk of adverse changes to conditions or monitoring?
10	445	This paragraph reads that the Applicant/Contractor is able to devise its own assessment criteria for the Performance Assessment – we therefore assume that expert advice is required to devise these, and that they will be required to be signed off by the ISA before implementation? If so clarification should be added to confirm this.
10	455	How are trigger values set for the Performance Assessment, to then become a “Notifiable Event”? Again, we assume these are to be devised by the Contractor (with expert help) and agreed with the ISA before implementation? Clarification would be useful within this point to confirm.
10	458	How are trigger values set for the Performance Assessment, to then become a “Notifiable Event”? Again, we assume these are to be devised by the Contractor (with expert help) and agreed with the ISA before implementation? Similarly, clarification would be useful.
11	496	The frequency of Performance Assessments is not defined. We suggest they should not be too onerous and based on significant additional data. We suggest these performance assessments should be combined with the Substantive Reviews, or by mutual consent outside these reviews to ensure the burden that these Performance Assessments will place on the Contractor, regulator or independent bodies is not excessive.
12	512	There is no definition of ‘Competent Persons’ provided e.g. is there a minimum experience (years) or accreditation/certification required to

		undertake Performance Assessments? There should also be a cross reference to Para. 76-79 where Competent Person is further referred to.
12	525	We suggest the subdivision of Impact Reference Zones into Primary Impact Reference Zones (PIRZ - those where extraction has taken place) and Secondary Impact Reference Zones (SIRZ – those where there are indirect impacts from the plume or noise).
13	565	There is no discussion of Invasive Non-Native Species (INNS) here. Whilst exchanged waters on the vessels will be controlled by international treaties, the waters within the mining equipment and mining equipment itself is unlikely to be covered by these. Therefore, we would suggest some wording here to ensure that equipment and riser systems are covered by operational procedures to prevent the spreading of INNS.
16	676	We would suggest that extraction data and Electronic Monitoring Systems data are also included in all of these monitoring reports to show the extraction activity and the likely effects predicted from this activity.
22	-	Appendix A Missing from the document.
23	-	Appendix B We assume these Monitoring Criteria will be standardised for all developers? Human environmental monitoring is not included in this. Does that mean there is no requirement to monitor navigational issues or military activity for example?
25	-	Furthermore, item 8 states that monitoring should continue for a “reasonable period after the activities in the mining area [have ceased]”. It is difficult to commit to this without knowing what that “reasonable period” is expected to be – although there should be a good idea about recovery from other relinquished zones before termination of the licence.
<i>Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”</i>		

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