



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.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 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.

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 for environmental impact assessment process Developed by the Legal and Technical Commission
<i>Contact information</i>	
Surname:	Charlet
Given Name:	Francois
Government (if applicable):	
Organization (if applicable):	Global Sea Mineral Resources nv
Country:	Belgium
E-mail:	charlet.francois@deme-group.com

General Comments

GSR thanks the International Seabed Authority for the opportunity to comment and appreciates the work of the Legal and Technical Commission in preparing this Standard and Guidelines.

In line with standard environmental management practices, GSR agrees that including the full mitigation hierarchy in this guideline is appropriate. It should be the responsibility of the EIS/EMMP to argue for how each step may or may not be applicable and for the ISA-LTC to determine whether what has been proposed is appropriate. While it is true some scientists have expressed an opinion that restoration/rehabilitation and offset steps should not be included in the mitigation hierarchy for deep seabed mining, it could be argued that the analysis was premature and/or incomplete and comments about restoration/rehabilitation were made without any field evidence on the efficacy of such efforts in the deep sea (e.g. the DISCOL experiment is an example of what happens when no rehabilitation efforts are made). Additionally, there are other scientists who see investigations into rehabilitation efforts as worthwhile (e.g. JPIO's MiningImpact2 Project has a work package dedicated to such investigations). It could also be argued that true restoration of any habitat has not been successful in shallow-water or land-based environments either and that if the mitigation hierarchy exists for other situations where restoration is not feasible, it should exist here too. Of course, a contractor could not include restoration or rehabilitation as a viable mitigation strategy without some evidence that efforts would be viable - or, if they did, the ISA-LTC could call them on it. Regarding offsets - the issue of not being able to have a "true" offset is not unique to the deep-sea environment. This occurs in terrestrial mining as well and this has led to out-of-kind offsets being developed, with the premise being it is better to do some "good" (e.g. to biodiversity) than nothing at all. Removing parts of the mitigation hierarchy at this stage would be out of sync with standard practices on land and other environments and could stifle innovation and deter contractors and the wider deep seabed minerals community from investigating (and investing in) multiple ways of doing "less harm". Also, the hierarchy helps to enforce that offsets are a last resort and/or could be used to provide additional benefit.

GSR notes that, currently, the Environmental Scoping Report process does not require a review by the LTC. GSR recommends that the LTC review and provide comment and feedback on this document. This helps to ensure there is an agreed understanding about the adequacy of the planned work and helps to align expectations for all parties, and would align with best practices in other jurisdictions. As a suggestion, an appropriate timeline for this review may be on the order of 60 to 120 days.

As a general comment, it will be good if this standard and guideline for environmental impact assessment could also include the timeframe required for the entire process of elaboration and submission of the EIA, as stakeholders are also involved in some critical parts of the elaboration of the EIA (scoping, impact assessment, mitigation, reporting, review). What will be the time allowed to the stakeholders to follow up on these key components of the EIA process? It will be good to define some time frames for each specific key component.

Specific Comments

Page	Line	Comment
3	108	As the EIA may be carried out before the full mining system is built, the EIA should not only account for alternatives, but also for a certain flexibility of changes, range of changes, or fine tuning.

4	135-142	It is important that the sensitivity of the receptor is also taken into account. (i.e. it is recommended that “Sensitivity of the receptor” be added as a bullet point.)
4	150	It may be worthwhile expanding on what is expected in terms of “Cumulative effects” (e.g. which other activities should be considered [assume for example, fisheries, shipping, tourism, other mining activity as applicable]?)
4	151-153	Regional scale may be challenging in some cases as baseline data are gathered at a contract area scale. It may be worth considering adding other scales (e.g. ecosystem level).
12	390	The review may also highlight the environment effects for which enough knowledge exists based on previous experiments or environmental effects for which further research is required. i.e. consider adding “completeness”
30-32	1042-1098	In line with standard environmental management practises, GSR agrees that including the full mitigation hierarchy in this guideline is appropriate. It should be up to the EIS/EMMP to argue for how each step may or may not be applicable and for the ISA-LTC to determine whether what has been proposed is appropriate. While it is true some scientists (and other contractors) have expressed an opinion that restoration/rehabilitation and offset steps should not be included in the mitigation hierarchy for deep seabed mining, it could be argued that the analysis was premature and/or incomplete and comments about restoration/rehabilitation were made without any field evidence on the efficacy of such efforts in the deep sea. Additionally, there are other scientists who see investigations into rehabilitation efforts as worthwhile (e.g. JPIO’s MiningImpact2 Project has a work package dedicated to such investigations). It could also be argued that true restoration of any habitat has not been successful in shallow-water or land-based environments either and that if the mitigation hierarchy exists for other situations where restaortin is not feasible, it should exist here too. Of course, a contractor could not include restoration or rehabilitation as a viable mitigation strategy without some evidence that efforts would be successful - or, if they did, the ISA-LTC could call them on it. Regarding offsets - the issue of not being able to have a “true” offset is not unique to the deep-sea environment. This occurs in terrestrial mining as well and this has led to out-of-kind offsets being developed, with the premise being it is better to do some “good” (e.g. to biodiversity) than nothing at all. Removing parts of the mitigation hierarchy at this stage would be out of sync with standard practices on land and other environments and could stifle innovation and deter contractors and the wider deep seabed minerals community from investigating (and investing in) multiple ways of doing “less harm”. Also, the hierarchy helps to enforce that offsets are a last resort and/or could be used to provide additional benefit.
<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