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Draft regulations on exploitation of mineral resources in the Area

Report of the Chair of the Legal and Technical Commission summarizing stakeholder feedback on the phase 1 draft standards and guidelines

I. Introduction

1. The Council will recall that, at the twenty-fifth session of the International Seabed Authority, the Chair of the Legal and Technical Commission submitted his report on the work of the Commission to the Council at the second part of its twenty-fifth session ([ISBA/25/C/19/Add.1](#)). In that report, the Commission decided to adopt a phased approach in the development of standards and guidelines to support the implementation of the draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)) and a process for the development of phase 1 standards and guidelines.¹ In accordance with this process, the Commission was to prepare a report to the Council summarizing feedback from stakeholders and the reasons for its revisions to the phase 1 draft standards and guidelines. As part of the report, the Commission is to recommend and annex draft versions of the phase 1 standards and guidelines to the Council.

2. In view of the above mandate, during the twenty-sixth session of the International Seabed Authority, the Commission devoted a considerable amount of time and resources to the development of phase 1 draft standards and guidelines. In accordance with the agreed process, the present report has been prepared by the Chair of the Commission to provide the Council with a summary of key issues identified by stakeholders, the Commission's general approach to the review of stakeholder comments, and the phase 1 draft standards and guidelines. Note that terms with initial capital letters in the report have the same meaning as in the draft regulations.

3. The present report does not detail every comment received from stakeholders, rather it summarizes stakeholder feedback, explains the process that was undertaken

* [ISBA/27/C/L.1](#).

¹ See [ISBA/25/C/19/Add.1](#), annex, enclosures I and II.



by the Commission to revise the phase 1 draft standards and guidelines and provides reasons for the Commission's revisions. The Commission also anticipates that the standards and guidelines may need further revisions once the text of the regulations on exploitation of mineral resources in the area (exploitation regulations) is stable.

II. Overview of stakeholder consultation concerning phase 1 standards and guidelines

4. In 2020, the first stakeholder consultation process was carried out over a period of 60 days, from 24 August 2020 to 21 October 2020 for the following three phase 1 draft standards and guidelines:

(a) Draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation;

(b) Draft standard and guidelines on the development and application of environmental management systems;

(c) Draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee.

5. In response, 45 submissions were received from 25 member States (15 Council and 10 non-Council members); 1 regional group; 9 observers, including 1 observer State; 8 contractors; and 2 other entities.

6. In 2021, the Commission prepared the following seven phase 1 draft standards and guidelines and placed them for a consultation period of some 90 days, from 8 April 2021 to 3 July 2021:

(a) Draft guidelines for the establishment of baseline environmental data;

(b) Draft standard and guidelines for the environmental impact assessment process;

(c) Draft guidelines for the preparation of environmental impact statements;

(d) Draft guidelines for the preparation of Environmental Management and Monitoring Plans;

(e) Draft guidelines on the tools and techniques for hazard identification and risk assessment;

(f) Draft standard and guidelines for the safe management and operation of mining vessels and installations;

(g) Draft standard and guidelines for the preparation and implementation of emergency response and contingency plans.

7. In response to the second stakeholder consultation process, 58 submissions were received from 27 member States (17 Council and 10 non-Council members); 1 regional group; 7 observers, including 1 observer State; 12 contractors; and 11 submissions were received from other entities, comprising private persons, institutions and universities.

8. The Commission worked intersessionally to review all comments from stakeholders and devoted the final week of its meetings for the twenty-sixth session, from 27 to 30 September 2021, to discussing stakeholder comments and concluding its work on the revised text for all 10 phase 1 draft standards and guidelines. The aim of the present report is to provide to the Council an overview of general comments raised by stakeholders of a cross-cutting nature, key comments concerning relevant issues which are specific to each of the phase 1 draft standards and guidelines, as well as the general approach to the revisions of the phase 1 draft standards and

guidelines taken by the Commission. Copies of all submissions received from stakeholders are also available at www.isa.org.jm/submissions-received-respect-stakeholder-consultations-standards-and-guidelines.

III. General approach of the Commission to the review of stakeholder comments and the revision of phase 1 standards and guidelines

9. The Commission worked intersessionally to review all comments received from stakeholders. A large volume of comments was received from stakeholders and, in some instances, comments received were conflicting in both: (a) their approach and understanding of the purpose of the standards and guidelines; and (b) the suggested revision. To avoid selecting some stakeholder comments over others, it was important for the Commission to adopt a general approach to the consideration of comments received from stakeholders and selecting proposed revisions.

10. The Commission's general approach was focused on: (a) implementing stakeholder comments that would ensure or improve consistency with the draft regulations; (b) improved consistency between phase 1 draft standards and guidelines; and/or (c) strengthening the regulatory function of the standard and/or guidelines to clearly outline what is expected of applicants. At all times, the Commission ensured that any accepted revisions also conformed with the Commission's outcome-based approach for the development of standards and guidelines as outlined in paragraph 20 (b) of [ISBA/25/C/19/Add.1](#) and the draft regulations.

IV. Stakeholder comments of a cross-cutting nature

11. Stakeholder comments of a cross-cutting nature concerned the overall process and timing of the stakeholder consultation and the need to ensure consistency between the draft regulations and the standards and guidelines, as well as consistency between the various standards and guidelines. In this regard, and to ensure consistency, several stakeholders suggested that all the phase 1 draft standards and guidelines should be reviewed and harmonized once the draft regulations were stable, prior to the adoption of the draft regulations by the Council.

12. An important outcome identified following the stakeholder consultation process was the need to develop a hierarchy for all standards and guidelines so that, in the event of a conflict between a standard and the guidelines or the regulations (including the annexes thereto), the regulations or the standard, as the case may be, will prevail. A significant number of stakeholder comments related to issues currently under discussion by the Council in the context of its consideration of and revisions to the draft regulations. In accordance with the agreed process as contained in [ISBA/25/C/19/Add.1](#), comments relating to amendments to the draft regulations were not considered by the Commission.

13. During the Commission's preparation of the phase 1 draft standards and guidelines and the consideration of comments received from stakeholders, it was noted by the Commission that it would be preferable to give further consideration to implementing a requirement for stakeholder consultation in the preparation of Environmental Plans. In this regard, the Commission noted that the draft regulations were currently before the Council for its consideration, but nonetheless wished to note in the present report that the Council may wish to consider amending the draft regulations to include stakeholder consultation as a requirement in the preparation of an applicant's Environmental Plans.

V. General comments and revisions to the draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation

14. Stakeholders suggested that the guidelines on the preparation and assessment of an application for the approval of a Plan of Work should provide further detail or context on how an application for a Plan of Work is to be assessed by the Commission. In that regard, the checklist contained in annex I and the flow chart contained in annex II to the draft guidelines were considered useful, but not necessarily sufficient, in providing guidance on the various elements of an application for a Plan of Work. Specifically, stakeholders commented that the guidelines should contain more details, in particular, on the data and information to be provided regarding the financial and technical capability of an applicant.

15. Some stakeholders suggested that it was also important for the guidelines to set out how the Commission and the Council would assess the information provided by an applicant against the criteria established in draft regulation 13 and what benchmarks would be applied in determining what is adequate and acceptable under the draft regulations. In this regard, stakeholders provided suggestions for criteria, containing additional requirements to those outlined in the draft regulations, which the Commission could use in evaluating an application, in particular with respect to the evaluation of Environmental Plans. A suggestion was also made that the guidelines also include a standard application form to be used by applicants or contractors.

16. Having considered the various stakeholder comments, the Commission decided to revise the draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation.

17. The Commission's revised draft guidelines on the preparation and assessment of an application for the approval of a Plan of Work for exploitation is contained in document [ISBA/27/C/3](#).

VI. General comments and revisions to the draft standard and guidelines on the development and application of environmental management systems

18. In response to the draft standard and guidelines on the development and application of environmental management systems, several stakeholders indicated that a thorough assessment of the document could be carried out only in the light of other environment-related standards and guidelines under development by the Commission, specifically those related to environmental impact assessments, Environmental Impact Statements, Environmental Management and Monitoring Plans and Emergency Response and Contingency Plans. In that regard, several stakeholder comments suggested that there may be a need to further clarify, in the phase 1 draft standards and guidelines, the relationship, and possible hierarchy, between the standards and guidelines on environmental management systems, environmental impact assessments, Environmental Impact Statements, Environmental Management and Monitoring Plans and Emergency Response and Contingency Plans.

19. Stakeholders made suggestions which, if implemented, would see several sections or issues currently included in the guidelines on the development and application of environmental management systems moved to the standard and converted from recommendations to binding obligations. This would be the case, for example, with regard to environmental objectives, nonconformities, auditing and

reporting requirements. Another stakeholder suggested that the standard should detail the elements and deliverables of an Environmental Management System (the “what”), including the required outcomes of the Environmental Management System, while the guidelines should set out “how” an Environmental Management System is to be applied. Stakeholders also noted that, while the Authority should require contractors to develop and implement an Environmental Management System that is aligned with International Organization for Standardization (ISO) 14001, it should not require them to have formal certification to the ISO standard.

20. Other stakeholders raised concerns as to the extent of reliance in the draft standard and guidelines for environmental management systems on contractors to define environmental metrics, including objectives, performance criteria and audits, noting that this may undermine the Authority’s efforts to discharge its mandate concerning the protection and preservation of the marine environment effectively. Some stakeholders expressed concern that the process, as set out in the draft standard and guidelines, was contractor driven. In that regard, some stakeholders suggested that the draft standard and guidelines should contain an outline of the environmental objectives, specific and measurable standards, as well as criteria for assessment of compliance that a contractor is required to meet to ensure continual environmental improvement, rather than focus only on the process to be undertaken by a contractor for the preparation and development of an Environmental Management System.

21. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating comments as appropriate, in particular those comments aimed at improving the outcome-based approach to the development of the draft standard and guidelines for environmental management systems. The Commission wishes to note that the Environmental Management System is an objective and not a prescriptive-based system, and therefore revisions emphasizing the outcome-based system were incorporated into the draft standard and guidelines.

22. A copy of the Commission’s revised draft standard and guidelines on the development and application of environmental management systems is contained in document [ISBA/27/C/7](#).

VII. General comments and revisions to the draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee

23. For the draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee, stakeholders commented on the scope of draft regulation 26 (2) and the limited activities that are proposed to be covered by an Environmental Performance Guarantee. Several stakeholders suggested that the scope of draft regulation 26 (2) should be widened to cover “any other environmental related costs that the contractor cannot or is unwilling to cover”. These suggestions may reflect different understandings by some stakeholders of the proposed scope of the Environmental Performance Guarantee, the operation of the Environmental Compensation Fund and a contractor’s insurance obligations. The Commission notes that the draft regulations clearly specify the object and purpose of the Environmental Performance Guarantee.

24. Stakeholders commented on the objective standard of “the greatest reasonably credible costs” in calculating the costs to complete the activities contained in draft regulation 26 (2). Comments suggested that greater interpretive guidance on the objective standard of calculation was necessary for applicants to understand what was

required to meet the standard. Other comments, primarily from contractors, sought to reduce the standard of calculation by removing words such as “highest”, “greatest” and “worst case scenario”.

25. Stakeholders welcomed the flexibility in the standard and guidelines. However, several stakeholders suggested that a “self-guarantee or company guarantee” be removed from the suggested list of forms of security that an applicant or contractor could propose as part of a Plan of Work. Stakeholders suggested that such a form of security was nothing more than a promise by the applicant or contractor and did not provide the Authority with any security should the contractor become insolvent. Comments indicated that it would be difficult to foresee any circumstances where a self-guarantee or company guarantee could be accepted as an Environmental Performance Guarantee.

26. Stakeholders sought further instructions to be included in either the standard or guidelines on how a sufficient Environmental Performance Guarantee could be lodged by way of instalments. Draft regulation 26 (3) explicitly stipulates that an Environmental Performance Guarantee “may be provided by way of instalments over a specified period according to the relevant Guidelines”.

27. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate. Specifically, the issue of instalments under draft regulation 26 (3) was addressed with the inclusion of additional text. The Commission also removed a “self-guarantee or company guarantee” from the recommended forms of security.

28. The Commission wishes to emphasize to the Council that the draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee provide the necessary flexibility as to the method for calculating the Environmental Performance Guarantee and its form, including clear parameters for ensuring a sufficient guarantee that is independently validated and is based on objective criteria as to the greatest reasonably credible costs.

29. A copy of the Commission’s revised draft standard and guidelines on the form and calculation of an Environmental Performance Guarantee is contained in document [ISBA/27/C/10](#).

VIII. General comments and revisions to the draft guidelines for the establishment of baseline environmental data

30. With regard to the draft guidelines for the establishment of baseline environmental data, some stakeholders commented that the guidelines did not stipulate mandatory thresholds in the collection of baseline environmental data in the form of a standard, but rather contained an outline of the recommended process and procedure to be followed by an applicant or contractor in the form of a guideline.

31. Some stakeholders noted that some aspects of the draft guidelines were inconsistent with the recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for marine minerals in the Area ([ISBA/25/LTC/6/Rev.1](#) and [ISBA/25/LTC/6/Rev.1/Corr.1](#)). They noted in their comments that: (a) a more onerous level of baseline data was recommended under the draft guidelines vis-à-vis the recommendations, which would be “unfair” on applicants or contractors; and (b) certain items for baseline data that are contained in the recommendations are however missing or are described in far less detail in the guidelines. Stakeholders also queried the continued role of the recommendations after the draft guidelines are issued.

32. Comments were also made concerning missing recommendations on the socioeconomic environment in the draft guidelines. Stakeholders suggested that such data should be included in the draft guidelines, considering that data concerning the socioeconomic environment is outlined in the template for an Environmental Impact Statement contained in annex IV to the draft regulations.

33. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate. Specifically, the issue of the relationship between the draft guidelines and the recommendations was further clarified, and the inconsistencies with the recommendations were resolved. The Commission also decided that issues concerning socioeconomic matters would be best detailed in the draft guidelines for the preparation of environmental impact statements.

34. In addition to the summary above, the Commission wishes to draw to the attention of the Council the fact that all stakeholder comments were considered and addressed as appropriate, including substantial additional input from the technical working group. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group was established, led by members of the Commission, including experts in the field, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, in order to take into account their views in the development by the Commission of the guidelines for the establishment of baseline environmental data. Depending on the evolution of the negotiations of the draft regulations, a few comments and suggestions on very specific technical issues may require further discussion by the Commission. However, given the adaptability of the guidelines, this should not delay their implementation or affect their use.

35. A copy of the Commission's revised draft guidelines for the establishment of baseline environmental data is contained in document [ISBA/27/C/11](#).

IX. General comments and revisions to the draft standard and guidelines for the environmental impact assessment process

36. With respect to the draft standard and guidelines for the environmental impact assessment process, several general and technical comments were received concerning: (a) the suitability of qualified experts and how to appropriately process the information provided by such experts; (b) the likelihood of rehabilitation and restoration offsets for deep seabed mining as part of the mitigation hierarchy; (c) the use of the term "impact area", as opposed to "contract area" when assessing environmental impact; (d) the necessity of including quantitative environmental thresholds in the draft standard and guidelines; and (e) the harmonization of all draft standards and guidelines relating to the Environmental Plans.

37. Additionally, some stakeholders commented on the need for mandatory stakeholder consultation throughout the entire environmental impact assessment process, commencing from the scoping phase.

38. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate. In particular, the Commission decided to provide greater detail concerning rehabilitation and restoration offsets for deep seabed mining as part of the mitigation hierarchy, clarified the use of the term "impact area" as opposed to "contract area" when assessing environmental impact and sought to emphasize the importance of stakeholder consultation throughout the environmental impact assessment process.

39. In addition to the summary above, the Commission wishes to draw to the attention of the Council the following matters:

(a) Several stakeholders suggested that the standards and/or guidelines for environmental impact assessments and Environmental Impact Statements be combined into a single instrument to avoid potential confusion concerning the obligations of the applicant or contractor. However, the Commission considered the issue and decided that the draft standards and/or guidelines for environmental impact assessments and Environmental Impact Statements should remain separate (although closely linked) as they are distinct and independent regulatory tasks under the draft regulations. Specifically, the environmental impact assessment is a process, while the Environmental Impact Statement is a separate recording of the outcome of that process.

(b) The requirement for environmental impact assessments in the draft regulations is wide in its scope and application. The environmental impact assessment includes not just environmental aspects, but also an assessment of potential social, economic and cultural impacts. At the national level, the aspects included in an environmental impact assessment differ between countries and in some instances are separated into distinct assessments of potential environmental, social, economic and cultural impacts. The Commission notes that the intention here, however, is to retain the overarching environmental impact assessment concept so that all elements are linked in an integrated environmental impact assessment.

(c) The environmental impact assessment is an assessment of all available data and information and proposed mitigation measures to address major impacts (which are further developed and considered in the Environmental Management and Monitoring Plan). Some stakeholders felt that the guidelines for assessing environmental impacts should more explicitly incorporate the precautionary approach. The Commission notes that the precautionary approach is reflected as an overarching regulatory approach in the draft regulations and considers that the precautionary approach is not so much an approach to scientific assessment but rather a matter of how the environmental impact assessment translates into effective and acceptable environmental management.

40. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group led by members of the Commission was also established, including, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, experts in the field, in order to take into account their views in the development by the Commission of the standard and guidelines for environmental impact assessments.

41. A copy of the Commission's revised draft standard and guidelines for the environmental impact assessment process is contained in document [ISBA/27/C/4](#).

X. General comments and revisions to the draft guidelines for the preparation of environmental impact statements

42. Regarding the draft guidelines on the preparation of an Environmental Impact Statement, some stakeholder comments were received concerning alleged inadequacies of the guidelines in setting out the potential socioeconomic impact statement process.

43. Some stakeholders also commented that the guidelines did not include sufficient alternatives for analysis and that there should be a dedicated section in the guidelines for comparison of alternatives. It was suggested by some stakeholders that decision makers needed to be able to consider and analyse the impacts of a reasonable range of alternatives to a proposed action, including a no-action or no mining alternative.

44. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate. Specifically, the guidelines were revised to set out considerations for the potential socioeconomic impacts of a project.

45. In addition to the summary above, the Commission wishes to draw to the attention of the Council the following matters:

(a) The Environmental Impact Statement should also include an assessment of potential impacts on marine protected areas or special conservation areas designated by other relevant organizations. This requirement has been expanded in the draft guidelines.

(b) Any uncertainty in assumptions, data and results of the environmental impact assessment, and subsequently the Environmental Impact Statement, need to be explained in the Environmental Impact Statement. This has been reflected in revisions to the draft guidelines on the preparation of an Environmental Impact Statement and links with the draft guidelines on the preparation of an Environmental Management and Monitoring Plan.

(c) References to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, (London Convention), 1972, should also include a reference to the 1996 Protocol thereto (London Protocol).

46. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group led by members of the Commission was also established, including, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, experts in the field, in order to take into account their views in the development by the Commission of the guidelines for the preparation of an Environmental Impact Statement.

47. A copy of the Commission's revised draft guidelines for the preparation of environmental impact statements is contained in document [ISBA/27/C/5](#).

XI. General comments and revisions to the draft guidelines for the preparation of Environmental Management and Monitoring Plans

48. With respect to the draft guidelines for the preparation of Environmental Management and Monitoring Plans, some stakeholders commented that: (a) consideration should be given to producing a standard rather than a guideline; (b) environmental management and monitoring measures should reflect requirements and determinations contained in relevant regional environmental management plans; (c) there should be mandatory stakeholder consultation, specifically, targeted consultation with potentially affected coastal States; and (d) monitoring and sampling equipment may benefit from third party approval of the design, such as type approval, as well as a technology qualification process to ensure that the equipment is functional and meets performance requirements under the Environmental Management and Monitoring Plan.

49. Some stakeholders pointed to more technical aspects of the draft guidelines, such as the difference between a performance review of the Environmental Management and Monitoring Plan and a review of a particular control measure.

50. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate and in accordance with the Commission's general approach to revisions. Specifically,

revisions were made to improve and reinforce aspects relating to the protection of the marine environment. The Commission considered that it was not necessary to merge, either in part or as a whole, the guidelines into a standard for the preparation of an Environmental Management and Monitoring Plan. The draft regulations require an Environmental Management and Monitoring Plan to be completed and a list of the aspects to be covered is contained in annex VII to the draft regulations. However, the draft regulations and annex VII do not stipulate the manner in which these aspects are to be addressed. It was therefore appropriate to maintain guidelines and not a standard for the preparation of an Environmental Management and Monitoring Plan.

51. The Council will note that annex I to the draft guidelines for the preparation of an Environmental Management and Monitoring Plan remains incomplete. The Commission intends to prepare an example of a table of contents once the draft regulations have been confirmed as stable by the Council.

52. As noted in paragraphs 20 (e) and 10 of the annex to [ISBA/25/C/19/Add.1](#), the Council will recall that a technical working group led by members of the Commission was also established, including, in accordance with article 165 (2) (e) of the United Nations Convention on the Law of the Sea, experts in the field, to take into account their views in the development by the Commission of the guidelines for the preparation of an Environmental Management and Monitoring Plan.

53. A copy of the Commission's revised draft guidelines for the preparation of Environmental Management and Monitoring Plans is contained in document [ISBA/27/C/6](#).

XII. General comments and revisions to the draft guidelines on the tools and techniques for hazard identification and risk assessment

54. Regarding the draft guidelines on the tools and techniques for hazard identification and risk assessment, stakeholder comments were received concerning: (a) lack of consistency in the use of various terminology with the standards and guidelines on environmental impact assessments, the preparation of an Environmental Impact Statement and the preparation of an Environmental Management and Monitoring Plan; (b) issues of consistency in internal cross-referencing; and (c) access to recommended international standards.

55. Most stakeholder comments supported the strong environmental basis for the guidelines. One stakeholder suggested that, since the guidelines indicate that certain risk assessment tools or methodologies are preferred over others and the Commission may exercise its discretion in rejecting a proposal on this basis, the guidelines should be changed into a standard.

56. The Commission, having considered the various stakeholder comments, decided to revise the draft guidelines by incorporating stakeholder comments as appropriate and specifically addressed the issue of consistent terminology across the various phase 1 draft standards and guidelines. The Commission considered that it was not necessary to merge, either in part or as a whole, the guidelines into a standard for tools and techniques for hazard identification and risk assessment. The draft regulations do not prescribe or require that certain tools and techniques for hazard identification and risk assessment be used by contractors. It was therefore appropriate to maintain guidelines that included suggested tools or methodologies and not a standard for tools and techniques.

57. In addition to the summary above, the Commission notes that the Council may wish to consider: (a) facilitating cooperation between contractors that are conducting hazard identification and risk assessment in neighbouring contract areas; and (b) ensuring that any overlaps in the phase 1 draft standards and guidelines concerning risk assessment are harmonized once the draft regulations are stable.

58. A copy of the Commission's revised draft guidelines on the tools and techniques for hazard identification and risk assessment is contained in document [ISBA/27/C/8](#).

XIII. General comments and revisions to the draft standard and guidelines for the safe management and operation of mining vessels and installations

59. With respect to the draft standard and guidelines for the safe management and operation of mining vessels and installations, stakeholder comments were received concerning: (a) a request for greater clarity as to the scope of and distinction between the terms "vessels" and "installations" so as to clarify the remit and applicability of the draft standard and guidelines; (b) access to and the applicable existing international standards for safe management of vessels at sea; and (c) lack of harmonization with other phase 1 draft standards and guidelines.

60. One comment highlighted the issue of workplace conduct and safety, suggesting the inclusion of gender-related safety-at-sea issues and freedom from harassment in the workplace as useful additions to the draft standard and guidelines.

61. The Commission having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate. Specifically, revisions were made to clarify the scope of and distinction between the terms "vessels" and "installations" and to outline with greater specificity other relevant international standards for safe management of vessels at sea.

62. In addition to the summary above, the Commission wishes to note that draft standard and guidelines for the safe management and operation of mining vessels and installations should be read in conjunction with the draft guidelines on the tools and techniques for hazard identification and risk assessment, in which the relevant and applicable risk assessment and risk management tools are described.

63. A copy of the Commission's revised draft standard and guidelines for the safe management and operation of mining vessels and installations is contained in document [ISBA/27/C/9](#).

XIV. General comments and revisions to the draft standard and guidelines for the preparation and implementation of emergency response and contingency plans

64. Regarding the draft standard and guidelines for the preparation and implementation of emergency response and contingency plans, stakeholder comments were received concerning: (a) tightening of language and further specificity in setting out obligations or minimum requirements; (b) consistency with the draft regulations in the use of terms, specifically any distinction between accidents and incidents; and (c) the interplay between the standard and guidelines and any emergency response plans required by the flag State of the vessel.

65. One stakeholder comment suggested that, despite the jurisdictional competence over vessels by flag States and sponsoring States engaged in exploitation, it would be

pertinent to develop a uniform emergency plan for all types of emergencies during mining operations.

66. The Commission, having considered the various stakeholder comments, decided to revise the draft standard and guidelines by incorporating stakeholder comments as appropriate, specifically by providing more clarity on issues such as the purpose, scope and objectives of the standard and guidelines and improving consistency with the draft regulations.

67. In addition to the summary above, the Commission also wishes to draw to the attention of the Council the following matters:

(a) Although jurisdictional competencies may differ between vessels or installations, the aim of the draft standard is to provide an Emergency Response and Contingency Plan that is comprehensive and uniformly addresses contingencies. In this regard, the text of the draft standard and guidelines provides a degree of flexibility and is aimed at implementing the outcome-based approach. Critically, it will be important to link the draft standard and guidelines with the draft standard and guidelines for the safe operation of mining vessels and installations, to ensure consistency.

(b) Types of “Accidental events to be specifically considered for mining operation” may be expanded to also include “Spills of harmful substances other than oil”.

68. A copy of the Commission’s revised draft standard and guidelines for the preparation and implementation of emergency response and contingency plans is contained in document [ISBA/27/C/12](#).

XV. Recommendations

69. The Commission submits the revised phase 1 draft standards and guidelines contained in documents [ISBA/27/C/3–ISBA/27/C/12](#) for the consideration and approval of the Council.
