



**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, 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 Guidelines for the preparation of environmental management and monitoring plans
<i>Contact information</i>	
Surname:	Martin
Given Name:	Cyrill
Government (if applicable):	
Organization (if applicable):	OceanCare
Country:	Switzerland

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General Comments	
<p>1. Pending the consideration of relevant stakeholder comments on the Draft Exploitation Regulations, their according amendment and formal adoption, the development and finalizing of standards and guidelines is premature. While it is helpful to have insight into the ideas of the LTC for future standards and regulations in order to see the whole picture, the formal process for developing and finalizing this lower level 'legislation' needs to be done only after formal adoption of the Draft Exploitation Regulations. The current process is legally doubtful, at best.</p>	
<p>2. The aforementioned is particularly problematic in the case when constraints on the draft standards and guidelines are based on the unfinalized and unadopted Draft Exploitation Regulations e.g. when used to justify very limited public consultation in the EIA process.</p>	
<p>3. As a general comment we want to express our great concern that the draft standards and guidelines presented are not meeting the necessary criteria to effectively protect the marine environment from harmful effects which may arise from activities in the Area. They also do not guarantee the necessary transparency and stakeholder involvement.</p>	
<p>4. We urge the International Seabed Authority (ISA) to use only the most effective and stringent international or national regulations on protection of the environment as a basis for regulating the Area. Where such is lacking, the most qualified scientist and policy experts shall be involved to draft regulations strictly based on the precautionary principle.</p>	
<p>5. Furthermore, this drafting shall be conducted in a fully transparent manner. This includes disclosure of all contributors to the Draft Standards and Guidelines and their affiliation. Following the precautionary principle we ask the ISA to abstain from allowing any activities in the Area where there is uncertainty if the activity could cause significant harm to the marine environment.</p>	
<p>6. OceanCare is focusing on noise emissions from Deep Sea Mining (DSM) activities and we therefore will focus our specific comments primarily on that subject. This should not be interpreted as prejudice, endorsement or legitimization of the other parts of the draft standards and guidelines.</p>	
<p>7. It is important to note that exploration activities and baseline data collection cause noise emissions with potential significant impacts on marine species (e.g. shipping propulsion and cavitation, dynamic positioning, acoustic exploration measures such as echosounders and seismic methods, extraction activities for sampling). These should be accounted for already at the exploration and baseline environmental data collection stage, be subject to, where necessary, potential avoidance and exclusion provisions and as a general principle the least harmful method should always be prescribed. In that respect incentive models should become stimulated that only the least noise-generating technology is applied and best environmental practices are followed which shall be subject to frequent and continued updating.</p>	
<p>8. The EIA process should not be split in different documents with duplications as well as</p>	

inconsistencies. We rather recommend to integrate EIA, EIS and EMMP into one process and provide a standard on the whole process. The fundamental requirement for EIA, EIS and EMMP should be binding. Non-binding recommendations that leave the concrete steps at the discretion of the contractor are not sufficient to effectively protect the marine environment from harmful effects which may arise from activities in the Area and do not reflect the obligation of ISA to manage the Area as a common heritage of mankind. More technical details should be developed as supportive guidance to the EIA process in the form of guidelines. To illustrate this with an example on underwater noise, we kindly invite you to have a look at the Convention on the Conservation of Migratory Species of Wild Animals (CMS) Family Guidelines on Environmental Impact Assessments for Marine Noise-generating Activities (as inspiration for a standard) and their technical support information (as model for a guideline)

CMS Family Guidelines:

https://www.cms.int/sites/default/files/document/cms_cop12_res.12.14_marine-noise_e.pdf

Technical Support information:

https://www.cms.int/sites/default/files/basic_page_documents/CMS-Guidelines-EIA-Marine-Noise_TechnicalSupportInformation_FINAL20170918.pdf

9. It is crucial that ISA provides stakeholders with available information on all data relevant for environmental impacts. Those have to be publicly and easily available. Failing to do so undermines the efforts of effective environmental protection.

10. EMMP need to include provisions to comprehensively address cumulative impacts. This is particularly relevant for fast travelling and far-reaching pollutants such as underwater noise, where other anthropogenic sources can add significantly to the overall noise present.

Specific Comments

Page	Line	Comment
3	166	We would like to point out that this area will likely to be very vast due to the fact that sound travels fast and far underwater.
20	793 et sq.	<p>Please consider adding the following on noise management to the table:</p> <p>https://www.cms.int/sites/default/files/document/cms_cop12_res.12.14_marine-noise_e.pdf</p> <p>Technical Support information: https://www.cms.int/sites/default/files/basic_page_documents/CMS-Guidelines-EIA-Marine-Noise_TechnicalSupportInformation_FINAL20170918.pdf</p> <p>Guidelines to Address the Impact of Anthropogenic Noise on Cetaceans in the ACCOBAMS Area in Annex 2 of Resolution 7.13 (ACCOBAMS-MOP7/2019/Doc38/Annex15/Res. 7.13 https://accobams.org/wp-content/uploads/2019/12/Res.7.13_Anthropogenic-Noise.pdf).</p> <p>The <i>Marine Strategy Framework Directive Good Environmental Status</i>, particularly <i>Descriptor 11 Introduction of energy (including underwater noise)</i></p>

		<i>does not adversely affect the ecosystem</i> https://ec.europa.eu/environment/marine/good-environmental-status/descriptor-11/index_en.htm
<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