



**Template for the review of the draft standards and guidelines
associated with the draft regulations on exploitation of mineral resources in the Area**

<i>Document reviewed</i>	
Title of the draft being reviewed:	GENERAL COMMENTS
<i>Contact information</i>	
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<i>General Comments</i>	
<p>Consistency between Regulations and Standards & Guidelines. With respect to the principles and with respect to the specific wording, we want to keep out all unnecessary doubt on the application and interpretation of the rules. In addition to this, we will need to check, in the end, the consistency between those documents after possible changes have been made to the Regulations.</p>	
<p>Belgium wonders how the comments on these documents will be considered. Will there be further consultations as well as possibilities to review the comments? If so, what timeline will be used? Belgium notes that the drafts are a good first step and form a good basis for discussion, but more analysis as well as discussion is required before they can be adopted. In addition to that, we would like to emphasize that the draft environmental standards and guidelines submitted are of key importance as they determine the level of protection that needs to be complied with when conducting activities in the Area. As a precaution, we here highlight our understanding that these standards and guidelines are of substantial nature and cannot be regarded as “matters of procedural nature” pursuant to the letter of the Council’s President on the use of the silence procedure of 21 September 2020. Thus, these draft standards and guidelines need to be fully considered and extensively discussed by the Council at the next physical meeting and cannot be approved via written procedure.</p>	
<p>Belgium is in favor of the involvement of experts during the drafting phase, by preference independent experts. If experts ‘with an affiliation’ are invited to take part in the drafting work, then that should be done in a balanced way. This means that experts from States, the NGOs and</p>	

the industry should have equal access to the drafting groups. And of utmost importance: the Council shall be capacitated to play its fully fledged role with respect to the S&G, on the basis of the articles 94 and 95 draft Exploitation Regulations. All the more reason not to regard the S&G as “matters of procedural nature”, to be approved by written procedure.

Belgium stresses the importance of the precautionary principle, the importance of marine biodiversity preservation and conservation and underlines the importance of the ecosystem approach in protecting the biodiversity of marine ecosystems.

Comments should be sent by e-mail to ola@isa.org.im

TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft Guidelines for the establishment of baseline environmental data
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<i>General Comments</i>	
The „draft Guidelines for the establishment of baseline environmental data“ so far provide only methodologies to <i>acquire</i> baseline data, however it lacks the minimum requirements for the <i>establishment</i> of baselines themselves, against which the impacts on the marine environment caused by activities can be evaluated as a part of an EIA.	
The draft is not sufficiently specific in several key areas such as the pelagic part of the ecosystem (i.e. the water column).	
The draft is not considered fit for purpose/adoption yet and needs substantial further development.	

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TEMPLATE FOR COMMENTS

<i>Document reviewed</i>	
Title of the draft being reviewed:	Draft standard and guidelines for environmental impact assessments
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<i>General Comments</i>	
<p>Public Consultation / Notification. Belgium is of the opinion that public consultation is of uttermost importance in environmental impact assessment processes and should therefore be incorporated in the Standards. The inclusion of stakeholder consultation in only the guidelines (and not the standards) is problematic.</p> <p>It would be useful to also have a public consultation in the scoping phase.</p>	
<p>The uncertainty in predictions has the potential to radically change the conclusions of the EIS. At present there is little treatment of this. Identifying, and taking steps to resolve uncertainties should be an essential feature of an EIA for deep-sea mining in the Area. We therefore propose a standalone section in the EIS, focused on this important aspect.</p>	
<p>The wording related to thresholds is inconsistent. What is the meaning of ‘severity of impacts’ and ‘significance of impacts’ ?</p>	
<p>EIA Standard / Guideline: Belgium is of the opinion that, given the importance of this process, It would, from an environmental point of view be better to only have (binding) standards on EIA (process). The same can be said about the EIS.</p>	
<p>The Guideline suggests both restoration and biodiversity offsets as relevant to the seabed mining context, despite scientific literature demonstrating that restoration is currently unknown and most likely unrealistic for nodules and crusts and that offsets may also be inappropriate. The focus should therefore be on avoiding impacts (and mitigation).</p>	
<p>The current draft regulation no longer includes the term “impact area”, but rather we are left with the terms “mining area” and “contract area”. From scientific literature, it is still unclear whether the impact area will stay within the bounds of the contract area, due to the dispersal of sediment through collector and dewatering plumes and distance traveled by light and noise. It would be helpful for the EIS to address the predicted impact area (defined horizontally and vertically) and incorporate discharge information into site- and region-specific circulation models to calculate the predicted impact area. It is possible that the impact area would be within boundaries of the contract area, or the regulations would require impacts be localized to the contact area, but until that is determined it is critical that the regulations (or Standard, if it</p>	

is determined this content is more appropriate there) require Contractors to collect baseline information, provide an environmental risk and impact assessment, and develop an environmental monitoring and management plan for the impact area, regardless of whether that is inside or outside the “contract area”.

Specific Comments		
Page	Line	Comment
1	38	Better define the relationship between the standards and the REMP, stronger language needed.
1	43	Protect and preserve the marine environment
1	44-45	Add wording : 2) anticipate and avoid of minimize harmful environmental effects of exploitation activities, including cumulative impacts;
3	86-94	The article on Screening is rather vague and limited. Should contain more detail and state clearly that an EIA is always required when submitting a plan of work. In case of changes to the project , Belgium is of the opinion that an expert judgement should be used to determine whether or not a new EIA is required.
4	135	1. In the assessment of impacts, the applicant or Contractor shall, using the best available scientific information consider include the following:
6	258	The applicable Regional Environmental Management Plan (REMP) shall also be considered (...)
7	283-284	However, proposed amendments to an approved Exploitation plan of work may shall require screening to determine whether an EIA (...)
8	316	Encompasses all relevant issues and factors, including cumulative effects impacts , social issues, (...)
8	327	(...) unexpected impacts, may or may not shall require additional screening to determine whether or not an EIA and/or amendment to the EIS is required.
10	405	Uncertainty exists
<i>Additional rows can be added to this table by selecting “Table” followed by “insert” and “rows below”</i>		

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TEMPLATE FOR COMMENTS

<i>Document reviewed</i>		
Title of the draft being reviewed:	Draft guidelines for the preparation of an environmental impact statement	
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<i>General Comments</i>		
See above document titled “general comments made on <i>Draft standard and guidelines for environmental impact assessments</i> ” (p.4 & 5).		
<i>Specific Comments</i>		
Page	Line	Comment
2	67-70	Stronger language needed on REMP: instead of ‘should’ → Shall be considered by the applicant or contractor
2	103	Project-specific? What about impacts outside the project area?
5	193	Who are ‘major shareholders’?
6	257	Add bullet point: <ul style="list-style-type: none"> • Convention on Biological Diversity • And other agreements in negotiation (e.g.: BBNJ)
8	348	What about baseline conditions outside the contract area?

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<i>General Comments</i>		
What about stakeholder consultation in the EMMP ?		
<i>Specific Comments</i>		
Page	Line	Comment
1	59	Cumulative effects, only from mining activities? + other activities
1	60	'Arising over time'? What does this mean? Cumulative effects arising over time
6	280	Performance standards, what does this mean?

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TEMPLATE FOR COMMENTS

<i>Document reviewed</i>		
Title of the draft being reviewed:	Draft standard and guidelines for the safe management and operation of mining vessels and installations	
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<i>General Comments</i>		
<i>Specific Comments</i>		
Page	Line	Comment
2	23-28	The objectives for the Contractor's Safety Management System are listed under point C. We miss there the pillar of 'Continuous Improvement' of the SMS. Eventually, those improvement principles (Plan-Do-Check-Act) do come up the Guidelines of the draft, but then it should also be included as a clear objective in the Standard.
3	111-128	Some hyperlinks to existing guidelines of other parties are copied here. We don't think it's a good idea to use third party hyperlinks in a guideline since those links can change. It would be better to refer directly to names of websites.
4	142-144	The design and equipment of a ship must follow the rules of the Flag state OR the Sponsoring State. A ship must always comply with the standards of the Flag State, it can be considered to add the Sponsoring State and thus according to both, but "or" (and thus only the sponsoring state) is not possible in our opinion.
4	143-145	This section is about rules of the classification society for the design, equipment and operations of the ship. Since there are many classes around the world, is this about a class recognized by the flag state? Or recognized by the Sponsoring State? Or both? Again, we think the flag state should always be responsible for this, especially considering the EU Regulation on this that Belgium has to do audits on board these ships to see if the class

		has done its job adequately. Given the importance of this point, we believe it should be incorporated in Standards , rather than guidelines.
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