

**Statement by the German delegation on document ISBA/25/C/8  
ISA Council, 26 February 2019**

As a fundamental remark, Germany would like to state that no principle should be interpreted and implemented in isolation. Thus, the precautionary approach needs to be interpreted and implemented under consideration of other principles and approaches as has been indicated in the document, including the common heritage of mankind principle, and under consideration of general obligations such as the Sustainable Development Goals.

Germany regards the description of the precautionary approach as proposed under paragraph 7 as being too narrow. The core element of the precautionary approach is that measures and/or decisions should be taken in the case of risk to the marine environment although the complexity of the problems including the effects and the effectiveness of the responsive measure are not fully understood. The precautionary approach hence enables to take measures (e.g. for mitigation or monitoring) even in the case of lacking knowledge. However, the knowledge base regarding deep-sea ecosystems and functions needs to be further enhanced and all considerations regarding the implementation of the precautionary approach need to be science-driven. Put into different words: the precautionary approach should not be used to refrain from obtaining further scientific knowledge and thus broadening the knowledge base.

A practical example of applying the precautionary approach in the development of mining regulations is the setting of environmental standards. In the many areas of lacking scientific knowledge on deep-sea ecosystems, environmental thresholds must be set on precautionary levels, e.g. as interim values that are henceforth regularly revised with new available knowledge. The problem in this regard which needs to be also taken into consideration is whether and how to strike a balance between reasonably revising these precautionary provisions and appropriately taking into account the legitimate interests of contractors and Sponsoring States.

Germany wants to emphasize in relation to paragraph 8 that it is not sufficient to implement the precautionary approach by simply focusing on procedural mechanisms as in addition, the setting of precautionary environmental thresholds is also required. It is however correct in our view that, at the current stage of regulatory development, a structured approach to these issues is of paramount importance.

Germany wishes to stress that, although participation and discussion in decision-making processes are important elements, the core element of the precautionary approach is that appropriate measures and/or decisions should be taken in the case of lacking knowledge.

Germany underlines that, not least because of the scarcity of knowledge on the deep sea, the precautionary approach needs to be consistently implemented throughout the management cycle of the deep-sea mining regime, inter alia including the determination of environmental thresholds, the development of REMPs and the selection of protected areas and permitted mining areas.