

**Statement by the German delegation on documents ISBA/25/C/3 and ISBA/25/C/11
ISA Council, 25 February 2019**

Statement on Standards & Guidelines

Germany would like to thank the Secretariat for the preparation of this document on the content and development of standards and guidelines for activities in the Area under the Authority's regulatory framework. The document is well-structured and will be a useful starting point for this important discussion.

From our perspective, the process of developing and agreeing on standards and guidelines, in particular in the field of environmental protection, is key for the establishment of a successful future mining regime under the auspices of the ISA.

It is important to stress that all standards and guidelines should be in accordance with the principles under Part XI of UNCLOS, with the precautionary approach, and with the SDGs under Agenda 2030. It should be assessed whether existing standards comply with these principles and requirements.

As stated in our written submission to the draft regulations on exploitation in October 2018, we propose to include under Part IV (Environment) a dedicated regulation on the development of environmental standards (DR 46 quart) that specifies the thematic fields for which standards are to be developed and that dynamically refers to the respective documentation outside of the regulations.

Germany supports the view of clear distinction between process and performance standards. However, both terms are inadequate to describe criteria and thresholds for *environmental quality status*, representing a third category of standards. For illustration, examples for such criteria are i) the bioturbation rates in surface sediments, ii) an index for benthic meiofauna biodiversity or iii) the oxygene concentrations in certain sediment depths.

Different than stated under paragraph 11, we hold the firm view that the development of standards and guidelines, in particular the development of environmental standards, should be a process primarily driven by the regulator (i.e. the Council of the ISA) on the basis of scientific, environmental and technological considerations. The process of the development of standards and guidelines should generally be open to all stakeholders, including, but not limited to, industry representatives and environmental NGOs.

Germany is of the view that the list was not intended to be exhaustive. Missing environmental standards include – amongst others – biodiversity standards. In addition, it should be emphasized that the development of environmental standards should include requirements for the technology to be used. Furthermore, mitigation measures should be defined in the environmental standards as well as comprehensive standards for monitoring.

Referring to Paragraph 20, Germany holds the view that while an assessment framework – as proposed in document C3 - may contribute to the effectiveness of the overall process, it cannot replace an agreement of specific environmental objectives and targets and the setting of

environmental thresholds. At the same time, we need to be aware that any environmental thresholds need to be able to adapt in the light of new scientific and/or technological developments/information.

It is important for Germany to recall its position that the Authority shall not approve any exploitation activities unless the relevant environmental standards are adopted. Thus, we concur with the view that a structured process for the development of standards and guidelines needs to start as soon as possible.

We therefore strongly recommend that the ISA establishes a roadmap for a transparent and expert-driven process to develop environmental standards. We therefore welcome the planning of the workshop on this issue in Pretoria, which we believe primarily aims at structuring the further process in this respect.

Germany would furthermore very much welcome the establishment of a technical working group for the development of environmental standards. The Council and the LTC should develop the Terms of Reference, and the Group should report to the LTC and the Council, ensuring fullest transparency in this important development.

Germany would be willing to engage in such a group or, alternatively, to host an international workshop/conference to promote the development of environmental standards.

We also welcome the document submitted by the Secretariat on “Key terms”, however, we were unable to consult on its contents due to its late submission, we therefore intend to come back to this at a later stage.