



**Twenty-seventh session**

Council session, part III

Kingston, 31 October–11 November 2022

Agenda item 11

**Draft regulations on exploitation of mineral resources in the Area**

**Draft decision of the Council of the International Seabed Authority relating to the development of binding environmental threshold values**

**Submitted by the delegation of Germany**

*The Council of the International Seabed Authority,*

*Recalling* article 136 of the United Nations Convention on the Law of the Sea,<sup>1</sup> which provides that the Area and its resources are the common heritage of mankind,

*Recalling also* article 145 of the Convention, which establishes that necessary measures shall be taken in accordance with the Convention with respect to activities in the Area to ensure effective protection of the marine environment from harmful effects that may arise from such activities,

*Recalling further* article 165, paragraph (2) (e) of the Convention which provides that the Legal and Technical Commission shall make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field;

*Appreciating* the draft exploitation regulations and the draft standards and guidelines prepared by the Legal and Technical Commission,

*Considering* that members of the Council of the International Seabed Authority recognized the need for the development of binding threshold values for the protection of the marine environment by an intersessional expert group of the Council, taking into account the input of all stakeholders,

*Decides:*

- (a) That binding environmental threshold values, including early warning thresholds, will be developed to ~~define-contribute~~ substantially to the determination of what is required to ensure effective protection of the marine environment pursuant to article 145 of the Convention and to set measurable requirements with regard to ~~the maximum-levels~~ of harm from activities in the Area, including the maximum level of harm that can be considered acceptable;
- (b) That these threshold values should be developed as binding standards and, as far as feasible, within phase 1 of the ongoing development of standards and guidelines;
- (c) That, given the limited time and resources, an initial set of such standards should focus on the main pressures potentially caused by deep-sea mining operations;
- (d) That the work will be led by the Legal and Technical Commission and supported by the scientific and technical expertise of an intersessional expert group for the development of binding environmental threshold values; as an initial step, the intersessional expert group should work in three subgroups, primarily on the following topic areas, as outlined in document ISBA/27/C/30:
  - (i) Toxicity;
  - (ii) Turbidity and settling of resuspended sediments;
  - (iii) Underwater noise and light pollution;
- (e) That the intersessional expert group and its subgroups will:
  - (i) Be ~~coordinated-chaired~~ by members of the Legal and Technical Commission;
  - (ii) Be open to experts nominated by Members and stakeholders of the Authority-member States, observers and stakeholders of the Authority, including contractors and the enterprise, once established, to engage in the expert group;
  - (iii) Apply virtual formats and work by correspondence;
  - (iv) Develop proposed threshold values and compile a report to the Commission, to be published on the website of the Authority, presenting all available options discussed by the expert group and outcomes of its deliberations, while also reflecting any diverging opinions;
- (f) That the Legal and Technical Commission will consider this report and submit, after formal stakeholder consultation, its recommendations to the Council;
- (g) That the Legal and Technical Commission will prepare, based on the outcomes of the intersessional expert group, draft standards on environmental threshold values to be submitted to the Council for consideration and adoption.