



Terms of Reference for an Intersessional Expert Group on the development of binding environmental threshold values

Background

1. In 2022, during the second part of the twenty-seventh session of the International Seabed Authority, a proposal was submitted for the consideration of Council of the Authority on the development of binding environmental threshold values. It was proposed that the establishment of such thresholds would be based on the environmental obligations as contained in the United Nations Convention on the Law of the Sea, focusing on the development of binding standards to set measurable thresholds as part of efforts to ensure the effective protection of the marine environment (see [ISBA/27C/30](#)).

2. Subsequently, the Council decided to progress the development of environmental threshold values (see [ISBA/27/C/42](#)). These thresholds are to be developed as binding standards and, as far as feasible, within phase 1 of the ongoing development of standards and guidelines that support the development of the draft regulations on exploitation of mineral resources in the Area. 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. The development of these thresholds is to be led by the Legal and Technical Commission and supported by scientific and technical expertise of an intersessional expert group.

3. During the first part of the twenty-eighth session, the Commission considered the Council decision and prepared the terms of reference for the development and operation of the intersessional expert group, which were presented to the Council in its following meeting.

4. During the second part of the twenty-eighth session, the Commission considered the comments of the Council and revised the terms of reference, as presented hereto.

Mandate and objectives

5. The intersessional expert group is tasked with developing binding environmental threshold values. It is expected to work in three subgroups, focusing primarily on the following specific topic areas as identified by the Council:

- a) Toxicity;
- b) Turbidity and settling of resuspended sediments;
- c) Underwater noise and light pollution.

6. The objectives for each subgroup include:

- a) To synthesize and review existing information on thresholds. This may cover:
 - i) Existing scientific literature and relevant baseline data (including natural variability of measured parameters), as well as guidance documents produced by national and international agencies;
 - ii) Existing proxy and experimental data for deep-sea mining-related activities (e.g., field tests of mining components);
 - iii) Ecological analogues and assessment of applicability to potentially affected species;
 - iv) Existing thresholds and experiences for other industries (e.g., shipping, oil and gas, dredging and fishing);

- b) To identify appropriate indicators to define threshold metrics;

- c) To define threshold levels, including early warning thresholds. In doing this, the groups may also consider a range of levels, as appropriate. Levels of uncertainty and confidence should be included;
 - d) To evaluate critical gaps in knowledge related to threshold determination and recommend future required work.
7. This work will focus on thresholds for polymetallic nodules, but it is expected that thresholds will be similarly developed for cobalt-rich ferromanganese crusts and polymetallic sulphide resources.
8. The intersessional expert group will compile a report for consideration by the Commission, to be published on the website of the Authority, presenting the available options discussed by the experts and outcomes of its deliberations, while also reflecting any divergent and convergent opinions.
9. The Secretariat of the Authority will assist the Commission in carrying out this process.

Membership, including nomination process and composition

10. The intersessional expert group is to be chaired by one or more Commission members and include an appropriate number of recognized experts in the field. Commission co-chairs will lead the work of each of the three subgroups focusing on the above-mentioned topic areas.

11. Each subgroup shall be composed of a maximum of 10 experts, chosen primarily on the basis of scientific and technical expertise and experience, taking into account geographic representation and gender balance, as follows:

- a) One expert per subgroup will be nominated by each of the five regional groups of the Council;
- b) Up to five additional experts per subgroup will be selected from nominations by other stakeholders of the Authority (e.g., Governments, intergovernmental organizations, non-governmental organizations, the private sector, including Authority contractors, and academic and research institutions). Selection of these additional experts will be carried out by the Commission chairs of the intersessional expert group.
- c) The experts shall have recognized competence in their field or fields of expertise. In light of this, nominations should be scientists or individuals that:
 - i) Can understand and interpret scientific literature and environmental baseline data, including relevant deep-sea physical, chemical, oceanographic, geological, ecological and biological data;
 - ii) Have access to appropriate proxy and/or experimental data for determining thresholds for deep-sea activities;
 - iii) Have experience with technological and industry applications and their impacts on marine ecosystems, habitats and species relevant to threshold determination.

12. Nominated experts shall participate in the intersessional expert group in their personal capacity and not as a representative of a Government or of any authority external to the Authority.

13. The experts shall be in a position to devote substantial amounts of time to the work of the intersessional expert group within the timeframe as described in the present terms of reference. If, for any reason, experts can no longer perform their duties (including when this is due to the pressure of other commitments) or wish to resign, they shall immediately inform the Commission chairs. In that situation the chairs can reassign the tasks to other experts or take steps to identify additional experts to ensure delivery within the agreed timetable.

14. The intersessional expert group may undertake ad hoc consultations with other experts or initiatives identified by the subgroup members and the Commission co-chairs, as required, for example, to fill expertise gaps. It is also expected that members of the intersessional expert group will reach out to professional networks for accessing data and information to support the intersessional expert group process.

Meetings and communications

15. The intersessional expert group will hold virtual meetings (videoconference). The first

virtual meeting (likely during the fourth week of September 2023) would comprise Commission chairs of the expert group, who will review and confirm nominations from stakeholders for the full expert group, discuss the governance and timeline of process, create a dedicated working space for exchanging data and information relevant to the topics proposed by the Council and begin to develop an overall plan of work. The second meeting (late October 2023) will comprise all expert group members (either in plenary or subgroups), who will discuss the status of data and information available to address the topic areas proposed by the Council and confirm the expert group plans of work. A call for submission of additional data and information will be open to fill in identified knowledge gaps, as appropriate.

16. Three additional meetings (one per subgroup, between January and February 2024) will be held following the Commission's deliberations to determine indicators and the approach to develop the threshold values. The Commission chairs will prepare progress reports to be considered during the Commission meeting in March 2024. Additional meetings may be required depending on the needs of each subgroup to develop the threshold values (April – May 2024). The intersessional expert group will then reconvene to discuss the subgroup conclusions and undertake report preparation (June 2024) prior to the Commission meeting in July 2024. A final meeting will be held following the Commission's deliberations and external stakeholder comments, likely in November 2024 (to be confirmed). The Commission may review the timeline as the work progresses.

17. Where possible, electronic means will be used for communication and information management.

18. The Secretariat of the Authority will assist the chairs in creating a dedicated working space for the expert group and provide Secretariat services to it.

Expected deliverables and indicative timeline

2023

2024

<i>July</i>	<i>September</i>	<i>October</i>	<i>January-February</i>	<i>March</i>
<p>Terms of reference are endorsed by the Commission</p> <p>Open call is issued for expert nominations (60 days)</p> <p>Commission chairs are appointed</p>	<p>First meeting, comprising Commission chairs of the intersessional expert group, is held:</p> <ul style="list-style-type: none"> - To review and confirm expert group nominations -To determine governance and timelines - To scope initial plan of work 	<p>Second meeting, comprising the full expert group, is held:</p> <ul style="list-style-type: none"> -To scope available data and information sources -To develop subgroups workplans -To prepare call for submission of additional data and information 	<p>Meetings of the expert group are held to determine indicators and approach to develop thresholds</p> <p>Expert group chairs prepare progress report, covering discussions and initial subgroup conclusions</p>	<p>Commission considers progress report by expert group chairs</p>

2024

<i>April-June</i>	<i>July</i>	<i>August-October</i>	<i>November</i>	<i>December</i>
<p>Meetings of the expert group to develop thresholds</p> <p>Expert group chairs prepare report, covering discussions and subgroup conclusions</p>	<p>Commission considers draft report of the expert group and release for stakeholder consultation</p>	<p>Stakeholder consultations are held (90 days)</p>	<p>Expert group reviews comments and revises the draft report of the expert group</p>	<p>Commission considers the revised draft and makes recommendations to the Council</p>