

Statement by the Federal Republic of Germany – ISA 29th Session, Part I

Thematic discussion on Regional Environmental Management Plans (REMPs)

Delivered on 27 March 2024

Introductory remarks

Thank you very much, Madam Facilitator, for allowing me to take the floor.

Effective regional environmental management plans have always been a top priority for Germany.

That is why it is clear to us, that exploitation activities *cannot* commence in the absence of an applicable REMP, and that such REMPs must be meaningful in substance.

We have noted in the past that there are process-related issues that arise in establishing REMPs.

That is why Germany organized a workshop in Hamburg in 2019, which was very well attended by member states, observers and stakeholders, entitled "Towards a standardised approach to Regional Environmental Management Plans in the Area".

A workshop report and a detailed scientific report was also prepared in this regard, which are available on the website of the German Environment Agency.

The workshop led to the joint submission by Germany, the Netherlands and Costa Rica of two documents in early 2020, as seen in ISBA/26/C/6 and ISBA/26/C/7, which address a standardized process and template for REMPs.

We look forward to ensuring that this approach to REMP development is clearly reflected in order to ensure a transparent, inclusive and robust process, which ultimately will lead to REMPs adopted by the Council being more effective and meaningful.

With that in mind, I now turn to the questions that have been posed in the 'Briefing paper on conceptual topics related to the environmental matters'.

(a) How should the Contractors' Environmental Management and Monitoring Plan and Environmental Management System be coordinated with the relevant REMP?

In Germany's view, the applicable REMP should be a normative framework for the contractor's EIA, EMMP and EMS. Principles, goals and objectives, which are regionally set in the REMP, need to be implemented and adhered to through the EMS, continually monitored and assessed and reported annually to the ISA.

When preparing an application, the applicant should:

- Develop the plan of work in accordance with the REMP and any region-specific requirements therein;
- Demonstrate that the applicant is able to implement the regional environmental goals and objectives in the contract area and do not affect areas outside the contract area;
- Adhere to any measures as set out in the REMP, including protection of vulnerable species and habitats or designation of no-mining areas, existing MPAs as designated by other international organizations; and
- Ensure due regard of the activities of other legitimate users of the marine environment in the REMP space.

Once the application is approved and the contract is awarded, the contractor must

- Carry out monitoring and assessment under the EMMP while using the region-specific indicators, metrics and harm thresholds;
- Inform the ISA on any new environmental data and knowledge, as well as its activities and changes made to the monitoring and measures as detailed in the EMMP; and
- Maintain communication with potentially affected coastal States, stakeholders or competent organizations over the contract duration.

Together with sufficient scientific data and information, the baseline investigations of contractors deliver the crucial input to the baseline description of the respective ISA region (in a regional environmental report) and therefore the management decisions made in the REMP.

Consequently, the periodic review of REMPs is important, which may lead to changes in regional thresholds, indicators or targets.

(b) How can legal consequences be imposed on the basis of REMPs, in particular concerning exploitation activities?

In order for it to be an effective instrument, Germany is of the strong view that REMPs should be given a legally binding status.

This can be done, for instance, by according to REMPs a binding effect through the rules, regulations and procedures of the Authority, as well as by giving it effect through Standards.

To be clear, according a binding effect to REMPs does not mean that their implementation would not be flexible. The Council can easily decide to review, update and amend REMPs through decisions of the Council.

The implications of giving a REMP such a binding status are wide ranging. It would, for example, allow the decision-making organs to rely on the REMP when assessing a plan of work.

If approving a plan of work would undermine or contradict the objectives of a REMP, this should inform the evaluation process.

Similarly, a REMP that possesses a binding nature can also obligate contractors to ensure that the Environmental Plans (in particular the EIA and EMMP), which contractors are required to submit and regularly update, are in line with the objectives and the requirements of the applicable REMP.

Moreover, in Germany's view, it is perfectly fine for the rules, regulations and procedures to give strong effect to REMPs, for instance, by providing that no plan of work shall be considered in the absence of a REMP for that particular resource type.

Finally, imposing legal effect upon REMPs would send a strong message of the ISA's commitment to ensure the effective protection of the marine environment from harmful effects that may arise from the conduct of activities in the Area. In particular, it would ensure that the mineral resources of the Area are governed with great responsibility and with the interests of future generations in mind.

To conclude, Germany strongly supports giving legal effect to REMPs through the rules, regulations and procedures, and we have provided textual suggestions in several places.