

Supported by:



Procedure for the development, approval and review of Regional Environmental Management Plans ("Procedure Document")

October 2019

1) Introduction

In carrying out its regulatory function for seabed mining in the Area, the International Seabed Authority ('ISA') has the obligation to ensure that the marine environment is protected from any harmful effects which may arise during seabed mineral activities. The Annex to the Agreement relating to the Implementation of Part XI of UNCLOS, Section 1, paragraph 5 stipulates that: *"Between the entry into force of the Convention and the approval of the first plan of work for exploitation, the Authority shall concentrate on:*

.....

- (g) Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment;*
- (h) Promotion and encouragement of the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area;*
- (i) Acquisition of scientific knowledge and monitoring of the development of marine technology relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;*
- (j) Assessment of available data relating to prospecting and exploration;*
- (k) Timely elaboration of rules, regulations and procedures for exploitation, including those relating to the protection and preservation of the marine environment".*

A Regional Environmental Management Plan ('**REMP**') should assist the ISA achieve these objectives. The procedure for REMP development, set out below, also takes into account that:

- pursuant to Article 162(2)(d) of UNCLOS, the Council has the power to establish such subsidiary organs as it deems necessary for the exercise of its functions; and
- the Legal and Technical Commission ('**LTC**') shall make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field (Article 165(2)(e)); and in the exercise of its functions may consult with inter alia *any international organizations with competence in the subject-matter of such consultations* (Article 163(13)).

2) Initiation of the REMP development process

For each regional area that is under consideration for the conduct of [activities / Exploitation] in the Area, a Regional Environmental Management Plan shall be developed by the ISA.

The Council is responsible to initiate the development of a specific REMP.

3) Development of REMP

(a) Expert Committee

The Council, on the recommendation of the LTC, should establish an expert committee for the development of a first draft of the REMP.

The selection and appointment of experts should be undertaken pursuant to published guidelines and UN-consistent procurement processes, with a focus on competence in the range of technical matters identified as relevant.

(b) First draft of REMP

The Expert Committee is responsible for preparing a draft of the REMP, based on all available data, and following the format set out by the REMP template. The REMP template contains standardised content for all REMPs in sections 1 and 2, but requires region-specific content to be developed and inserted for section 3.

The Expert Committee should first take steps to ensure it has all available data. This includes contractor data submitted to the ISA, pertaining to the region, and which is not deemed as confidential in accordance with the rules, regulations and procedures of the ISA, as well as any other information (including traditional knowledge) that the committee is able to gather and compile, and which is required to complete section 3.2 of the REMP template.

The Expert Committee (or the LTC) should organise - with the support of the ISA Secretariat - international expert workshops in order to develop the first draft of the REMP. Relevant experts and stakeholders in the field (including bordering coastal states) should be invited to the workshop, based on an expert and stakeholder mapping exercise (conducted by or for the Expert Committee) in accordance with the relevant guidelines.

(c) Consideration by the LTC

The Expert Committee will submit its draft of the REMP to the LTC for consideration, accompanied by a statement describing the process undertaken and stakeholders engaged in its development.

(d) Formal stakeholder consultation

[ISA Guidelines for stakeholder consultation may be useful]

Upon receipt from the Expert Committee, the LTC should make the draft REMP and a summary of the information gathered (pursuant to section 3.2 of the REMP Template) publicly available for 60 days by putting these documents on the ISA website, and should solicit comments from interested parties within this timeframe.

The ISA Secretariat should make any consultation responses received publicly accessible on the ISA website.

(e) Recommendations by the LTC

After the 60-day consultation period has closed, the LTC should consider the draft REMP in light of the regional environmental assessment pursuant to the REMP template (section 3.2), the comments submitted during the formal stakeholder consultation, and any further information to the LTC. The LTC should also satisfy itself that proper procedure has been followed in the development of the REMP, in accordance with any relevant guidelines.

The LTC should either recommend the Council to adopt the REMP, or should ask the Expert Committee for revisions to the draft REMP, and/or to undertake further processes in developing or verifying its contents.

Where the LTC recommends to the Council to adopt the REMP, this should be accompanied by a justification for its recommendation, a description of the process that has been undertaken in developing the REMP, and the report of the Expert Committee. These documents must be made publicly accessible on the ISA website at least 3 months in advance of the Council meeting, at which the REMP is put forward for adoption.

(f) Adoption of the REMP

Based on the recommendation of the LTC, the Council decides on the adoption of the REMP.

In case, the Council does not adopt the REMP, the Council may ask the Expert Committee for specific revisions to the REMP, and/or to undertake further processes in developing or verifying its contents.

4) Review of the REMP

(a) Annual Reporting

The Secretariat shall provide every year to the Council: a report that summarizes new environmental data from all contractors, as well as new scientific literature data, relevant to the REMP; and shall provide recommendations as to the implications of this new data for the REMP (if any).

(b) Timing

Each REMP must undergo a review within 5 years from its date of adoption by Council, and at least every 5 years thereafter, or earlier if requested by Council.

Trigger events for an earlier review may include:

- Issue of an ISA emergency order that relates to a site within the region.
- Request by a third party.
- Submission of substantial new environmental data for the region.
- A major change in environmental understanding.
- A major environmental change in, or affecting, the region (e.g. a natural or man-made disaster).
- Relinquishment of areas previously under contract within the region.
- Submission of a new application for a plan of work for exploitation in the region.

(c) Responsibility

The Expert Committee is responsible for leading the review process (taking into account any specific instructions from the Council), and reporting on the outcome to the LTC.

The LTC is responsible to receive and consider the review report of the Expert Committee, to satisfy itself that proper procedure has been followed in the review of the REMP, in accordance with any relevant guidelines, and to recommend to the Council any proposed amendments to the REMP. In submitting to the Council, the LTC should include a rationale for its recommendations, and a description of the process followed in conducting the REMP review.

The Council is responsible to review the amendments recommended by the LTC, and either to adopt the revised REMP, or to revert the recommendations to the LTC for further work (who may in turn revert to the Expert Committee).

(d) Consultations

[ISA Guidelines for stakeholder consultation may be useful]

Relevant persons identified via an expert and stakeholder mapping exercise shall be invited to provide inputs to the Expert Committee, as part of the review process.

Upon receipt from the Expert Committee, the LTC should make the proposed revised REMP and a copy Expert Committee's report publicly available for 60 days by putting these documents on the ISA website, and should solicit comments from interested parties within this timeframe.

The LTC recommendations and revised REMP proposed for Council adoption must be made publicly accessible on the ISA website at least 3 months in advance of the Council meeting at which the revised REMP is put forward for adoption.

(e) Scope of REMP review

Every REMP review should revisit the validity and currency of section 3 of the REMP