



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/B1/AB(2021)

Subject: Reply to the Joint LDAC-PELAC-NWWAC advice on deep sea mining in international waters

Dear Mr López,

Thank you for your message related to the joint LDAC-PELAC-NWWAC advice on deep-sea mining in international waters. I appreciate the joint effort in coordinating positions with the Pelagic Advisory Council and the North Western Waters Advisory Council; and the solid policy, legal and scientific basis on which the advice is based.

We have taken note of recent actions undertaken and positions expressed by the scientific community, the civil society, private companies and countries on the issues of deep-sea mining, including the calls for a moratorium.

Let me assure you that the EU is committed to achieving healthy and resilient oceans and to halt biodiversity loss, in line with the European Green Deal and the Biodiversity Strategy 2030, as well as leading by example in the international framework.

In recent years, the EU has invested more than EUR 40 million in research projects related to deep-sea minerals exploration. The main findings of these projects show that our current understanding of ecosystem functioning, recoverability and connectivity in the deep sea is limited, and that there is considerable uncertainty about the effects of mining on these processes. Therefore, long-term studies are still needed to gauge the full range of impacts of mining on benthic and deep ocean biodiversity and their potential for recovery, especially as deep sea ecosystems are particularly vulnerable. I therefore share the concerns expressed in the advice on the scientific gaps still to be filled in, to be able to properly understand these ecosystems, their connectivity, functions and the ecosystem services they provide.

We continue our efforts to support research in this field: we are starting a collaboration with the International Seabed Authority (ISA) on the Sustainable Seabed Knowledge Initiative, aiming at describing and characterising one thousand new species from our oceans, to create new maps of life on the ocean floor and understand the importance and resilience of deep-sea life to anthropogenic change. We also believe that the Decade of

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Ocean Science for Sustainable Development will contribute to build the robust science that is needed.

Moreover, we share your view of the need for a holistic approach in the context of UN Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ), and for the importance to consider all cumulative impacts of all activities that will take place in those areas of the ocean. In this context, we are carefully looking at the impacts deep-sea mining could have on fisheries.

For the past years, the European Commission has been following very closely the process at the ISA to develop the exploitation regulations (the mining code), which would enable contractors to move from exploration to exploitation. We believe it is important to make sure that the activities of the ISA take into account the broader context of the balance of rights and obligations within the Law of the Sea. The European Commission also expects that a high level of protection of marine environment be ensured, in line with obligations under UNCLOS, including the need to undertake prior environmental impact assessments. To be able to take an EU position in the ISA organs on matter relating to the protection of the marine environment, the Commission adopted in January 2021 a proposal for a Council Decision, which sets out the EU position to be taken at the ISA Council and Assembly.

The European Commission is aware of the official letter the Republic of Nauru sent to the ISA, requesting the Council to complete the adoption of the regulations for exploitation of the mineral resources in the Area within two years, in accordance with section 1 paragraph 15 of the annex to the implementing agreement of part XI of UNCLOS.

The state of play of the negotiations on the draft exploitation regulations, after the last ISA Council session held a year and a half ago, shows that much remains to be done in order to have comprehensive exploitation regulations, an agreed payment mechanism as well as strong standards and guidelines. Given the importance of those regulations, they should be carefully drafted and not rushed. This is why the European Commission regrets the decision of the Republic of Nauru to trigger the two-year rule.

The EU position on deep seabed mining is clearly stated in the EU Biodiversity Strategy for 2030 and in the 2020 Council Conclusions on Biodiversity - the need for urgent action. In line with the precautionary principle and the ecosystem-based approach, the EU advocates that marine minerals cannot be exploited before the effects of deep-sea mining on the marine environment, biodiversity and human activities have been sufficiently researched, the risks understood and the technologies and operational practices able to demonstrate no serious harm to the environment. The EU is also committed to advocate for more transparency in international bodies such as the International Seabed Authority.

The European Commission remains fully committed to the process and will continue to engage at the ISA to make this time count in order to have a robust regulatory system for deep seabed mining. At the same time, the European Commission will also continue to contribute to feed into the public consultations launched by the ISA. The European Commission provided comments to the ISA Stakeholder engagement strategy and to the development of standards and guidelines for deep-sea mining, to ensure that environmental concerns are well catered for, should these activities start.

We trust that these elements assure you of the European Commission's commitment to the protection of the marine environment in the context of the mining code and its vigilance with the latest developments at the ISA, as well as to enhance transparency and inclusiveness.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

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