

Mr. F. Machetanz
Landesamt für Bergbau, Energie und Geologie
Dienstszitz Clausthal
An der Marktkirche 9
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Comments on BGR report - Environmental Impact Assessment for the testing of a pre-prototype manganese nodule collector vehicle in the Eastern German license area (Clarion-Clipperton Zone) in the framework of the European JPI-O MiningImpact 2 research project

Dear Mr. Machetanz

Seas At Risk welcomes the opportunity to comment on the Environmental Impact Assessment (EIA) of the upcoming deep sea mining equipment test of GSR in the German license area in the Clarion Clipperton Zone. With this submission, we focus on the EIA procedure and its link with national and international decision making processes. The way Germany handles the EIA procedure will set an important precedent for subsequent tests, also by other companies. We therefore hope that Germany will set the example and strive for a 'best practice' EIA procedure, nationally as well as at ISA level.

First and foremost, we would like to see the decision making procedure for this equipment test framed by a strategic position of Germany on deep sea mining, based on scientific knowledge, stakeholder consultation and public participation. The Sustainable Development Goals should form the framework for shaping such a strategy. Several research results and conferences have shown that many (environmental, social and economic) aspects of deep sea mining need to be further investigated. We see in particular a need for a public and science-based debate about the need for deep sea mining and the availability of more sustainable alternatives.

The BGR report rightly notes that there are no distinct ISA regulations and guidelines for environmental impact assessment during the exploration phase, nor for public participation and stakeholder involvement. We therefore appreciate the decision to open up the BGR report for stakeholder comments. Before any test goes ahead, however, we would want to see an international commitment to best-practice EIA procedures, and including full stakeholder involvement, public participation, assessment of alternatives and cumulative effects, and quality review. We look forward to hearing how Germany intends to advocate such an approach in the ISA.

Subsequent to the stakeholder meeting you are organising on 29th October, we also hope to see a wider public consultation. In addition, we also encourage Germany to call on the International Seabed Authority to organise a public consultation at international level.

In January 2018, the European Parliament voted with overwhelming majority its [resolution on international ocean governance](#). In this, the EP called on the European Commission and EU Member

States to support an international moratorium on commercial deep-sea mining exploitation licences until such time as the effects of deep-sea mining on the marine environment, biodiversity and human activities at sea have been studied and researched sufficiently and all possible risks are understood. It also urged the European Commission and Member States to withdraw support for deep-sea mining in international waters. Instead of further promoting the sector, like the EU is doing in its blue growth strategy, the European Parliament calls on the EU to invest in sustainable alternatives, specifically a transition to sustainable consumption and production, as outlined in SDG 12 under Agenda 2030.

We would appreciate to be informed on how Germany will respond to these requests of the European Parliament, hoping that Germany will reconsider its support to deep-sea mining and instead champion a 21st century model of sustainable consumption and production and resource efficiency.

As to the EIA report submitted by BRG, we would appreciate clarification as to the overall procedure, i.e.

- What are the steps and timeline of the decision making procedure regarding the test, and how are responsibilities shared among GSR, BGR, German authorities and the ISA?
- As announced in the ISA annual session in July 2018, the ISA's LTC has not yet managed to review the EIAs for the 2 tests (in Belgian and German licence areas) yet), and only plans to do so by its next session in March 2019. Given that the GSR test is foreseen for April 2019, it is difficult to imagine that GSR will be able to adapt its test to meet comments made by the LTC. Will the test be postponed in order for GSR to take on board the comments by the LTC?
- Which decision is this EIA to inform? The report only mentions the JPI-O MiningImpact 2 will help to improve the test design. We would however also assume it would inform the decision on whether or not the test can go ahead, and if so under which conditions (e.g. whether the test needs to be modified in order to avoid or mitigate impacts).
- What are the respective roles of GSR and BRG in carrying out prior-EIA and ex-post monitoring? How much public money is being used to finance the EIA and the monitoring?
 - In good practice EIA (e.g. as regulated by the EU directive on EIA), the proponent is the one to organise the EIA and monitoring. According to the polluter pays principle, the proponent (i.e. GSR) should also finance the EIA and monitoring. The BGR report focusses very much on the JPI-O MiningImpact 2 project. It profiles the JPI-O MiningImpact 2 as an 'independent scientific monitoring' activity for the test. On the [website of JPI-O MiningImpact 2](#), we read that 'DEME-GSR is further responsible to set up a monitoring programme for its industrial component trial as required by the International Seabed Authority'. We have seen no indication that GSR is setting up its own monitoring plan, nor does it seem like it will provide its own EIA. This seems to indicate that that public (research) money is being used for the EIA and monitoring of an industrial activity conducted by a private enterprise. We find this conflicts with the polluter pays principle and would appreciate clarification.
- On the basis of which criteria will the German authorities, and the International Seabed Authority evaluate the EIA and the proposed monitoring plan? Is there a common set of criteria the various organisations will adhere to? And are these also applied to the EIA of the test that takes place in the Belgian licence area?
- In order to assess the significance of potential impacts, thresholds need to be identified and this relies on scientific knowledge of the ecosystem, which is often lacking (which the EIA acknowledges in several sections). In case scientific knowledge is not sufficient to define

thresholds or to predict impacts, how will the precautionary principle be applied? In our view it calls for a postponement of the test till sufficient research on the ecosystem has been conducted and till alternatives have been investigated as well.

- A good practice EIA should in addition to identifying potential risks, also give advice on alternatives and mitigation measures for the planned activity. This seems to be lacking in the report, which mainly focusses on outlining monitoring activities.
- Duration of monitoring: scientific research indicates that many impacts of nodule mining will be long term, even irreversible. During the Belgian stakeholder conference in Brussels on 5 June, some indicated that monitoring should therefore be carried out for decades, even hundreds of years. Why is the monitoring of this test limited to 2 years? On page 156 of the BGR report we read that ‘an assessment of plume impacts on longer time scales (i.e. more than 2 years after the test) is desirable but dependent on ship availability and funding.’ What are the plans for long term monitoring and who will finance it?
- In case the test results in serious harm to the environment - will BGR or GSR be held financially liable? Have funds been set aside for this?
- What will be the terms of reference of the Advisory Board (p 8), and how will participants and rapporteur of this Advisory Board be selected and independency ensured?
- The BGR report stresses the scientific independence of the JPI-O MiningImpact 2 project. However, the project consortium includes the International Seabed Authority. This seems a conflict of interests as the ISA is to oversee proper implementation of ISA regulations and UNCLOS, is tasked with managing contracts and with quality controlling environmental impact assessments. On the other hand, the ISA acts like an active proponent of deep sea mining. It is difficult to see how scientific research can be independent with ISA as a partner.

Should the independent review of the EIA conclude that the test would result in irreversible harm to the environment, or that the gaps in knowledge and uncertainties are such that the impacts cannot be predicted, we trust Germany and ISA will not grant permission for the test to go ahead.

We also look forward to further German initiatives to facilitate a science based and public debate about the need – or not – for deep sea mining, especially in light of the Sustainable Development Goals and the world’s commitments to circular economy, to sustainable consumption and production and to healthy oceans. [50+ NGOs from around the world put this request to the International Seabed Authority](#), during its recent Assembly meeting. The ISA unfortunately chose to ignore this request. We count on Germany to respond to the concerns raised by civil society.

We look forward to seeing the response to our comments and questions.

Sincerely,



Ann Dom
Deputy director
Seas At Risk