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## **PRESS RELEASE**

### **Belgium strengthens legislation on deep-sea mining to ensure sustainable exploitation of marine resources**

Last Friday, on the proposal of Minister of the North Sea Vincent Van Quickenborne and Minister of Economy Pierre-Yves Dermagne, the federal government approved a preliminary draft law regarding deep-sea mining. This with the aim of ensuring the sustainable exploitation of marine resources. With these measures, Belgium wants to subject the exploitation of these resources to strict conditions so that the marine environment is adequately protected.

The bottom of the ocean contains a variety of valuable minerals. These minerals often occur in the form of polymetallic nodules and sulphides and ferromanganese crusts. These include copper, nickel, cobalt, manganese and other minerals that are essential for modern technologies.

These minerals were formed over a long period of time by geological processes. Deep-sea mining refers to the process of extracting these minerals and other precious resources from the bottom of the oceans and seas. Currently, many of these minerals are extracted on land in a way that has a serious impact on the environment.

Deep-sea mining has the potential to have great economic and strategic benefits. There is already a high demand for metals present in the deep sea for the digital and energy transition. On the other hand, deep-sea mining may have a significant impact on the marine environment and climate. Additional scientific studies are still necessary to correctly assess this risk, because the deep sea contains unique and vulnerable ecosystems and a biodiversity that needs to be protected

#### **Blue Leader**

The various member states within the International Seabed Authority are developing the so-called 'Mining Code' and environmental standards to ensure that deep-sea mining is carried out in a responsible and sustainable manner, with a view to preserving the marine environment and minimizing of possible harmful effects on the oceans.

Within the international community, our country is a pioneer of measures to protect large parts of the oceans as nature reserves. This is also apparent from the position taken by Belgium at the last Council of the International Seabed Authority, whereby deep-sea mining can only take place under certain conditions. For example, sufficient scientific knowledge must be available to estimate the impact on the marine environment, a strong regulatory framework must be established at the international level and 30% of the ocean must be protected by 2030.

## **Old law from 2013**

The current Belgian legislation on deep-sea mining dates from 2013 and contains provisions on prospecting, exploration and exploitation.

The social context has evolved considerably since then. This evolution will continue and probably accelerate. It goes hand in hand with the development of the international 'Mining Code'. Therefore, after an evaluation of the current legislative framework, it was decided to launch a thorough review of the 2013 law.

This legislative review comes at a crucial time. A number of companies, including a Belgian company, are preparing to move from exploration, with the main focus on researching the minerals and the surrounding site, to exploitation, with commercial and large-scale exploitation. It is therefore important that Belgium has a strong regulatory framework against which any future applications can be assessed, with the utmost respect for the marine environment and people.

## **New deep-sea mining law**

On the proposal of North Sea Minister Vincent Van Quickenborne and Economy Minister Pierre-Yves Dermagne, the federal government approved a new preliminary draft law for deep-sea mining last Friday.

The new legislation is an important milestone in Belgium's efforts to regulate the deep-sea mining sector and ensure responsible practices that prevent and minimize environmental impact. The legal framework has been developed in close consultation with industry experts, environmental organizations and scientists, and is based on the latest scientific insights and best practices at the international level.

### **The main aspects of the new legislation include:**

#### **Environmental protection**

Strict environmental standards are set to ensure that deep-sea mining activities do not cause any unacceptable damage to the marine ecosystem. Deep-sea mining can therefore only be permitted if international and national environmental objectives can be respected.

#### **Sustainable operation**

Obtaining a Belgian sponsorship certificate must equate to the determination that the proposed exploration or exploitation project can take place in accordance with the highest environmental standards. Sufficient possibilities must also be provided to ratify, suspend or revoke the certificate if the circumstances so require. In order to make use of these possibilities, sufficient monitoring and supervision must be carried out on the activity.

The follow-up of a prospecting activity by a Belgian natural or legal person is also regulated more thoroughly, without the government assuming the same responsibility as for exploration and exploitation activities.

#### **Transparency and accountability**

This law strongly focuses on participatory and transparent decision-making. For example, provision is made for the general public to be consulted in the procedure for granting, changing or renewing the sponsorship certificate. The federal government will also publish the annual report of the sponsored party and any other document deemed relevant.

In addition, operators must provide detailed information about their activities, including the technologies used, the control measures taken and the results of environmental monitoring. Independent checks and audits will be carried out to ensure compliance with legislation.

### **Cooperation on an international level**

International regulations on deep-sea mining are in full development. Pursuant to the UN Convention on the Law of the Sea and the Agreement of 28 July 1994 on the Implementation of Part XI of the UN Convention on the Law of the Sea, which was approved by the Act of 18 June 1998, the rules, regulations and procedures that deep-sea mining projects will have to comply with. Belgium is actively participating in this as a member of the Council of the International Seabed Authority.

If Belgium wants to continue its ambitious ocean policy, possibly in combination with a role as sponsor state for exploration or exploitation activities, this international regulation will have to be decisively converted into national regulation. Such a role as a sponsoring state entails the responsibility to monitor compliance with the UN Convention on the Law of the Sea and national regulations by the sponsored party.

The draft bill approved by the Council of Ministers is now being submitted to the Council of State for advice. After any adjustments based on this advice, the bill will be submitted to parliament.

### **International Seabed Authority**

In March, the 28th session of the International Seabed Authority took place in Kingston, Jamaica. Belgium was able to participate for the first time in a long time as a member of the Council of this institution. Unlike the earlier statute as, which entailed fewer rights and participation. The Seabed Authority has been designated by the United Nations Convention on the Law of the Sea as responsible for the management of the seabed.

As a Blue Leader, Belgium wants to emphasize sustainable management and protection of the deep sea. Belgium is therefore actively striving to have the recently approved target by the UN to protect 30% of the ocean by 2030 reflected in the decision-making process regarding deep-sea mining. Belgium is currently consulting with its partners to translate this into a condition that should be realized before work plans for deep-sea mining can be approved. Another session is scheduled for July.

Vincent Van Quickenborne, Minister of the North Sea: "This new legislation marks an important step forward in ensuring the sustainable exploitation of marine resources. Belgium recognizes the potential importance of deep-sea mining for the economy, but also wants to ensure that these activities are carried out in a responsible manner, with respect for the marine environment. As a Blue Leader, we emphasize the sustainable management and protection of the deep sea. We look forward to working with international partners to subject this economic development to strict environmental conditions."

Pierre-Yves Dermagne, Minister of Economy: "For me, deep-sea mining is a very important topic, as it can have a huge impact on marine biodiversity, climate and our global economic model. Currently, we do not have sufficient scientific knowledge of the seabed to know whether such activities are desirable. It is still too early to know if and when Belgium will enter the exploitation phase. This is a decision that will have far-reaching consequences for my successors, but I wanted to take my responsibility by providing a framework ensure that these activities can only be developed with the utmost respect for the marine environment, climate and human rights, and in full transparency."

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