

KEEPING DEEP-SEA MINERALS OUT OF THE EU MARKET

Deep-sea mining is moving closer to commercial reality. Yet significant scientific concerns remain, with researchers warning of potentially irreversible harm to marine ecosystems. Without action, minerals extracted from the deep seabed - even from illegal pathways - could enter the EU market within the next few years.

A new legal analysis finds that the EU can lawfully prevent deep-sea minerals from being placed on its market.

In April 2025, the United States opened a pathway for companies to seek approval for deep-sea mining in international waters - outside the existing global governance framework - the International Seabed Authority (ISA). At the same time, the ISA is facing growing pressure to expedite negotiations on a Mining Code, which would open international waters to deep-sea mining. However, fast-tracking rules would not resolve the underlying environmental and governance concerns.

Researchers warn that deep-sea mining could cause large-scale, long-lasting and irreversible damage to ill-understood deep-ocean ecosystems. Reflecting these concerns, at least **43 countries** now support a moratorium or precautionary pause on deep-sea mining.

Multiple studies have concluded that **deep-sea minerals are not required for the green transition**, given the potential of recycling, material efficiency and technological innovation. Nevertheless, commercial operators are already preparing for **extraction as early as 2027**. Once extracted, deep-sea minerals could enter global supply chains and reach the EU market.



Why the EU should act

The EU has consistently called for a halt on deep-sea mining (most recently the **European Commission** and the **European Parliament**).

If the EU considers deep-sea mining environmentally risky and insufficiently governed, permitting the resulting minerals to circulate freely within European supply chains would undermine its stated policy.

The EU has the legal tools to act

A new legal analysis demonstrates that the EU has legal competence to prohibit deep-sea minerals from being placed on the EU market. Under EU law, the precautionary principle allows the EU to adopt measures to restrict activities that pose potentially serious or irreversible risks, even when scientific uncertainty remains.

An import prohibition on deep-sea minerals can be compatible with the rules of the World Trade Organization (WTO) if it is designed and applied in a non-discriminatory manner. WTO rules allow trade measures that pursue legitimate environmental objectives and are applied fairly to all producers.

The study further notes that permitting minerals extracted in defiance with the ISA framework could undermine the international legal regime established under the UN Convention on the Law of the Sea.

The EU already applies a range of measures that restrict or condition market access for products linked to environmental harm, human and social rights violations or unsustainable extraction practices, as illustrated in the table below:

PRODUCT/ACTIVITY	EU ACTION
Deforestation-linked commodities	Products cannot be placed on the EU market unless they are proven deforestation-free.
Illegal timber	Timber from illegal logging is banned from entering the EU market.
Forced labour products	Products made with forced labour are prohibited from being sold in the EU.
Conflict minerals	Companies must carry out due diligence to ensure responsible sourcing.
High-carbon imports	Importers must pay a carbon price reflecting embedded emissions.

Policy recommendations

The EU and Member States should

- Maintain and strengthen the support to a moratorium on deep-sea mining
- Consider legislation preventing deep-sea minerals from being placed on the EU market
- Explore traceability and disclosure requirements on products that contain deep-sea minerals
- Coordinate action with ISA members to prevent unlawful deep-sea mining
- Exclude deep-sea mining funding from the EU Multiannual Financial Framework
- Introduce binding reduction targets for critical raw materials under the EU Circular Economy Act

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Find out more about the legal analysis:



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