

## **ITALY**

27 February 2019

### **Precautionary approach (ISBA/25/C/8)**

We agree with the considerations of the Secretary General that States have a serious obligation of ensuring that activities conducted under their control or by actors subject to their jurisdiction guarantee the highest possible level of safety for the environment, based on the most updated scientific knowledge.

Within the definition of the precautionary approach, we would however insist more on the concept of minimization of the impacts, rather than that of "risk-reduction".

When talking of minimization of impacts, we refer generally to the lowest possible amount of damages or harmful effects to the deep-sea habitat caused by the removal of portion of sediments, mineral or geological features in the deep benthic environment.

This may imply, for example, the a priori exclusion of the most vulnerable ecosystems when the level of uncertainty of the effects of the substrate removal from this ecosystem is too high regardless of the geographical scale considered.

The application of precautionary approach should indeed prevent activities especially when the current scientific knowledge is unable to exclude the possibility of irreparable damages to the biodiversity as well as of the ecological functions present in that location.

Since member States are jointly called to ensure that activities in the Area are conducted to the benefit of the common heritage of mankind, we think the Authority should set high standards of behavior to which States themselves should adapt in their own activities and in controlling those of the actor subject to their jurisdiction.

### **Independent assessment of environmental plans (ISBA/25/C/10)**

*Italy thanks the Secretariat for its report and Belgium for its proposal. We considers that the Belgian non-paper contributes to enhancing the Authority's ability to express independent environmental assessments. Although the Convention envisages mechanisms for consulting experts at multiple levels, the formalization of neutral and impartial environmental impact assessment procedures is welcome and we support it. Modalities for independent environmental impact assessment procedures can be further discussed but we consider the concept crucial for the proper conduct of exploitation activities. However, we also share the Secretary General's argument that the review process conducted by independent experts must provide real added value and not just be a bureaucratic burden and maintain a cost effective activity.*

*Further consideration should be paid to the type of certification required to enter in the register of experts. The Legal and Technical Commission should highlight what kind of curricula and range of expertise are more desired and would be suitable for entering the expert roster and keep a high level of transparency in the process.*

### **Inspection mechanism (ISBA/C/5)**

*Italy agrees that the key to implement a successful inspection mechanism is that efforts related to its design and implementation, and during its operational phase are not limited to the Authority.*

*Sponsoring States and member States must take all measures necessary and appropriate to secure effective compliance with the Convention through an efficient inspection system.*

*Allow me to express a principle within the definition of the precautionary approach that we were not able to mention yesterday. Indeed, when talking about environmental protection, we would insist more on the concept of minimization of the impacts, rather than that of simple "risk-reduction". A proper, effective and functioning inspection mechanism is an integral part of this approach.*

*Experience of inspection mechanisms, in particular in the oil&gas sector for deep-sea drilling, could provide a valuable contribution to the definition of appropriate state-of-the-art guidelines in this sector.*

*The idea of placing observers from the sponsoring States on board the operating vessels is welcome and necessary, also in consideration of the remoteness of some mining areas. Observers from sponsoring State will probably have the opportunity to stay on board for prolonged periods of time during seagoing-operations, while inspection will probably be a short-term intervention.*

*In this framework, we suggest to include a special register for observers, similar to the register envisaged for the inspectors, to secure their independency and competency, because of the peculiarity and complexity of mining activities, which require unconventional skills and knowledge which is not largely owned even among offshore professionals. We support the suggestion that the inspection mechanism will be fully settled and detailed in the regulations, as both the contractors and the Authority will have to make consequential budget and administrative considerations, when designing and evaluating the plan of work of an application.*

*In this framework, the development of remote monitoring guidelines should be a high priority in the progressing of the draft regulations, as this technology, including from satellite earth observation, will be essential in the case of seabed mining where direct and large inspection of the mining process is limited not only by the great depths but also by the extent of the exploited area. Such monitoring should be ensured during the whole lifecycle of the activity as well as before (to ensure that baseline conditions are adequately understood) and after (to ensure long term monitoring of the impacts of the activities and safety for the environment)*

*A robust and transparent inspection mechanism is also important for knowledge building that will turn in best practices and learning experiences.*

*Indeed both the Authority and Sponsor State inspection activities, including knowledge, data and learnings should be shared to maximize the development of best inspection practices as well as information to be shared with stakeholders (NGOs, civil society organizations, research centers, etc.). This will contribute to create homogeneous inspection procedures. A common guidelines, reporting standards and register of certified inspectors designated by its members and approved by the Council is also fundamental as well as an inspectors' manual and a certified training program, with constant updates, done under the auspices of the Authority and validated by the Council.*

*At the same time, appropriate neutrality of the inspection mechanism and control of conflicts of interest should be ensured.*

*The costs of and funding options for an inspection mechanism shall ensure the possibility to use the highest quality standards.*