



Statement by the Italian Delegation

Kingston, 10 November 2022

Speaker: Mrs Marzia Rovere

Item 14 – Report of the Chair of the Legal and Technical Commission

ISBA/27/C/16/Add.1 and Add.2

Thank you Mr President for giving me the floor.

We are very happy to have the Chair of the LTC, Mr Harald Brekke, with us today and hear about his active involvement in research cruises to represent and testify the competence of members of the Commission in matters related to the marine environment. Italy wishes to commend the work of the Commission at large for the outstanding achievements in the past 6 years. The restrictions imposed by the pandemic have made their work more challenging than ever and for this reason, we appreciate the efforts of all its members, here collectively and magnificently represented by Mr Brekke, to participate in remote meetings often late in their nighttime.

We start immediately by voicing the request initiated by the Netherlands and followed by many other delegations that the Commission, beginning from the next session, annually names those contractors that have repeatedly ignored the calls from the Council and the Commission to comply with their contractual obligations, in particular, the reporting requirements under the standard clauses of their contracts. Italy has made this remark several times during the past sessions of the Council and we see this as a necessary step forward to achieve a higher level of transparency, but also for a better understanding by the Council of the state of the art of the activities carried out in the Area and to have more insightful knowledge of the current performance of contractors for exploration that may become contractors for exploitation, if the regulatory framework will allow.

With respect to the review of the environmental impact statement submitted by NORI, we are grateful to the Chair of the LTC for his further and comprehensive explanations including technical details on the monitoring plans. In this respect, while acknowledging that the procedures set out in the Recommendations on the EIA have been fully complied by all involved actors, my delegation believes that the revised EIS and the EMMP should have been made public on the website of the Authority for the sake of transparency and with

respect to recommendations which the LTC is required to take for testing of mining components to be carried out.

We appreciate that the Commission adopted a revised draft process for reviewing the environmental impact statement in relation to the testing of mining components with regard to the stakeholder consultation. In this respect, we see merits in requesting the Commission to include in the Recommendations also a request for contractors to release the full EIS for stakeholder consultation and to always request a new consultation round if substantial data is added after the first stakeholder consultation. As Italy, we expect to have environmental plans related to activities in the Area made public as it happens in most national regulatory frameworks, concerning exploitation of marine abiotic resources.

Additionally, from the analysis of the second addendum to the Chair's report, as already alluded by the distinguished Ambassador of Belgium, Italy wonders why the Council has been informed of the inclusion of the EIS to the plan of work of NORI almost two months after the Commission took such a relevant decision. Indeed, the Commission adopted the recommendation on September 2nd, while ISBA/27/C/16/Add.2 was published on October 26th. In this respect, Italy learned about the rapid developments from a press release of NORI, while official information on the recommendation of the Commission was published a week later on the ISA web page. We are well aware of the workload of the Secretariat and that hosting Council meetings three times a year put additional strain on the workforce, but we believe that the timeline of the public disclosure of information on the EIS approval and activities at sea conducted by NORI could have been managed in a more thoughtful manner.

On a related note, from the website of the ISA, we also understood that the CARMU of Secretariat decided to conduct an inspection following the test conducted by NORI. We look forward to having additional details on the outcome of such inspection. In the meanwhile, since, to our knowledge, it is the first time an inspection during the exploration phase is conducted, we would like to have some clarifications on whether the inspection has already started, who will conduct or has conducted it and which are the selection criteria for inspectors. We do believe that it could also be relevant with respect to our discussion on an inspection mechanism for the exploitation phase.

Thank you for your indulgence Mr President