



28th PERIOD OF SESSIONS OF THE COUNCIL OF THE INTERNATIONAL SEABED AUTHORITY (First Part)

STATEMENT OF THE DELEGATION OF THE KINGDOM OF SPAIN

Permanent Representative Diego Bermejo Romero de Terreros

Item 14. Report of the Presidency of the Legal and Technical Commission.

Mr. President,

My delegation wishes to congratulate Mr. Erasmo Lara Cabrera, from Mexico, and Ms. Sissel Eriksen, from Norway, for their election as President and Vice-President, respectively, of the Commission, as well as its new members; and thank them for the commencement of their work.

We have been able to consult **document ISBA/28/LTC/2**, prepared by the Secretariat, which contains the Commission's functions, modalities and programme of work for the 2023-2027 period.

In it, among other things, is stated that "the functions of the Commission complement those of the Council and are mainly advisory and recommendatory in nature."

It also mentions that some of the functions listed in Article 165(2) of the Convention require the Commission to carry out assessments by independent experts, for example, on the ecological consequences of activities in the Area.

And that, furthermore, the Commission must carry out its functions in accordance with the orientations and guidelines established by the Council in policy matters as provided for in Article 163, paragraph 9 of the Convention.

Among the specific functions assigned to the Commission, we would like to highlight, at this time, the one which allows for it to make recommendations to the Council on the protection of the marine environment, taking into account the opinions of renown experts in that field, as provided for in **paragraph 2, letter (e) of article 165**.

This function for recommendation is among those related to the evaluation of the ecological consequences of the activities in the Area, according to the classification made by the Secretariat in paragraph 9 of its Information Note.

My delegation has already expressed in the informal group that this function can be of very great use in the progress of the deliberations regarding the *what if*.

There is another issue that my delegation would like to mention, and that has to do with the modalities of work of the Commission.

As indicated in the aforementioned Note, and in accordance with **Article 6 of the Regulations of the Commission**, the Commission will take into account the advisability of holding public sessions when examining issues of general interest to the members of the Authority that do not include the examination of confidential information.

It also mentioned that the Commission held two public sessions in 2003 and 2004 on issues related to the management of biodiversity in the Area. And in July 2016 in the context of the examination of the interim report of the Committee established to carry out a periodic review of the international regime of the Zone.

It also indicated that the Assembly encouraged the Commission to hold more public sessions in order to promote greater transparency in its work, and that the Commission decided to maintain the usual practice in this regard.

We know that it is a sensitive issue and we completely trust the Commission's criteria, but we would like this matter to be discussed again to try to clear up doubts about its lack of transparency, as the distinguished delegation of Costa Rica has also indicated. It is an issue that greatly concerns our delegation.

Apart from that, and with respect to the **report of the Chair** of the Commission that has been submitted to us for examination, and which appears **in document ISBA/28/C/5**, my delegation also wishes and hopes that the Council's relationship with the Commission in the upcoming sessions is fluid, and we would like there to be a greater dialogue between the members of the Commission and the Council and the interested parties to be able to delve into those issues that, because they are very technical, sometimes require further explanations.

We believe that this would help to better understand and appreciate the enormous work that the members of the Commission, let us not forget, carry out on an entirely voluntary basis and in parallel to their professional responsibilities.

As the distinguished representative of one of the interested parties mentioned the other day, the draft regulation will assign the Commission a large number of tasks in relation to exploitation activities, once they begin, and that must be undertaken in parallel to the tasks that it has been carrying out in relation to the exploration activities. We must be mindful of the Commission's workload to prevent it from being unable to adequately and rigorously fulfill its functions.

We insist on the need for contractors to submit their periodic reports in a timely manner, and we welcome the efforts of the Secretariat to ensure that contractors take into account the Commission's comments and to develop a more efficient interaction process for all contractors.

We applaud the continuation of the surrendering of exploration areas by some contractors by virtue of their contracts and we take note of **document ISBA/28/C/4** which contains the Commission's Recommendation regarding a request for postponement of the assignment of areas for the Republic of Korea.

As in previous statements, my delegation wishes to express its interest in having more information not only on the state of implementation of education and training programmes but also on their results for the benefit of nationals of developing countries.

My delegation is pleased that the Commission continues working on the standardization of the Regional Environmental Management Plans, this is also a priority issue and we look forward to the conclusions of the intersessional work.

Lastly, we would like to dwell on an issue of enormous importance to my delegation: the development of environmental thresholds.

The terms of reference of the intersessional expert group and a schedule of meetings have been presented to us in an Annex.

Paragraphs 9 and those following indicate what its composition will be and we await the public call for experts.

Like other delegations, we have been surprised by the number of members of each of the working subgroups, only 10, although we understand that since the work is entirely virtual, it may be more productive to work with a reduced group of experts than with one of a greater composition.

At the same time, we have noted that the work deadlines are very short and we would like to know if there is the possibility of expanding these groups where necessary, as other delegations have indicated, as well as holding public consultations with the stakeholders in April-May 2024.

In our opinion, it is absolutely necessary that the environmental thresholds be the result of the widest possible scientific exchange.

We agree with the delegation of the Netherlands' observation on the issue of establishing thresholds in relation to the loss of biodiversity in extraction areas. We believe that it is an issue that we must consider.

I will conclude by thanking the members of the Commission for their efforts, dedication, and work, as well as assuring them that they have the respect and trust of my delegation.

Thank you very much, Mr. President.