



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

DECLARATION OF THE DELEGATION OF SPAIN

Mr. President,

My delegation shares the intent and the general lines of the Declaration made by the distinguished delegation of France, but I would like, at the same time, to break down the points that summarize the position of Spain.

Firstly, we believe that the primary responsibility of the Council is to advance the drafting of the rules, regulations and procedures, without a deadline of two years obliging us to approve regulations that are not rigorous and adequate.

Secondly, we understand that the Council must *scrupulously* respect the multilateral legal framework established by the Convention and the Agreement and that the "two-year clause" must be interpreted and applied in conjunction with the provisions of Part XI, including, the Principles that govern the Zone and that are contained in its Section 2^a.

Thirdly, we support the need to apply the precautionary criterion or principle that is implicit in Article 145 of the Convention in order to "ensure effective protection of the marine environment."

Fourthly, we agree with Canada's proposal that any exploitation work plan must be evaluated by the Commission and subsequently considered by the Council, without there being an obligation to provisionally approve it; and that the Council has the power to establish orientations and directives so that the Commission can adequately perform its functions.

Fifthly, and as a consequence of what was stated in points 3 and 4, my delegation supports the application of a precautionary pause, that is, **slowing down the transition to the exploitation phase, until the Council approves the Regulation that we are drafting, along with standards and guidelines that include environmental thresholds**.

The application of a "precautionary pause" also fulfills two other objectives that are very clear to my delegation:

On the one hand, it complies with the general objective of the BBNJ Agreement, that is, **guaranteeing the conservation and sustainable use of marine biological diversity in areas located outside the national jurisdiction**.

On the other hand, it is a response to concerns about the "lack of scientific information on deep-sea ecosystems and species that prevents an objective assessment of possible damage" - as the French delegation has indicated - my delegation believes that **exploration activities must**

continue within the framework of the Authority with the aim of advancing scientific knowledge. For this reason, Spain welcomes, among others, the Initiative for Sustainable Seabed Knowledge Initiative (SSKI) launched in 2022, within the framework of the Action Plan in support of the *Decade of Ocean Sciences for Sustainable Development from 2021 to 2030*, and which aims to strengthen the scientific basis for effective protection and management of the Area. The Council of the European Union has supported this initiative in the Conclusions on the International Governance of the Oceans, of December 13, 2022, which also has funding from the European Commission.

Thank you very much Mr. President