

Speaker: Mr Daniele Bosio

Item 11 – IWG Protection and preservation of the marine environment

DR 48 bis

Thank you, Madame Facilitator.

Italy thanks Germany for having organized the webinar on test-mining, which was a valuable opportunity to understand the aim and expectations of its proposal.

We also welcome the revised version of article 48 bis. In our view the new text allows to put forward the condition that the test mining should be carried out within a **contract for exploration** by the same contractor in the same area. In this view, as other delegations already mentioned (maybe with different nuances), the same contractor would be able to submit a plan of work for a contract for **exploitation only after** a successful test mining. Currently, the draft regulations do not envisage the requirement for an applicant for a plan of work for exploitation to be the holder of a previous contract for exploration in the same area for the same resource category. However, one of the current revision proposals for DR 8 (notably paragraph 3) alludes to the fact that the area under application for a plan of work of exploitation shall be located within an exploration Contract Area. These new provisions combined, DR 8 para 3 plus and the proposed 48 bis, would allow for sufficient exploration time and collection of environmental baseline data over a reasonable period of time by a contractor. It would also avoid that the test-mining could be undertaken as “**disguised exploitation**” because it would be strictly framed within the terms of an exploration contract. We support Canada’s proposal to look for appropriate ways to use the resources collected during the test mining.

While we appreciate the German proposal and we renew our willingness to continue working on it, let me also add some remarks, which we hope can foster further debate on the legal framework applicable to test mining.

As most of member States agree that test mining will be conducted during the exploration phase, we wonder whether it would be appropriate also for the **exploration regulations** to contain specific provisions and obligations on test-mining, particularly from an environmental perspective.

With a view to ensure that the protection of the marine environment is prioritized, we believe that test-mining should be subject to robust environmental impact assessment procedures, similar to those envisaged in the **exploitation regulations**. Should that not be the case, the EIA legal framework for exploration activities would be regulated only by the LTC recommendation, as suggested in para 3 of 48 bis, which even in their last amended version, do not respond to the same level of procedural and substantive details as those under negotiation within this IWG.

As far as the text of proposed 48 bis is concerned, we would like to suggest that para (1) (c) also makes reference to DR 44. In paragraph 2, we support to have a specific Annex for test-mining report.

As a last remark, and interpreting the spirit of the test-mining, under which smaller scale exploitation would be conducted, we believe that more explicit reference to an adaptive approach to exploitation activities should be referred to in the regulations, where appropriate.

Thank you, Madame Facilitator.