

# SEATEC NV

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## POLICY CONSISTENCY STATEMENTS

Section 121, Maritime Area Planning Act 2021

Maritime Usage Licence Application MUL230036 | SS Ohio Cargo Recovery Operations

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### 5(a) — National Marine Planning Framework (NMPF)

The proposed maritime usage is consistent with the National Marine Planning Framework. The NMPF establishes a policy framework for sustainable development and use of Ireland's maritime area, encompassing the promotion of economic activity in the marine environment where it is compatible with environmental protection and regulatory compliance.

The SS Ohio cargo recovery operation is a commercial maritime salvage activity conducted in the Irish EEZ at approximately 142 nautical miles from the Irish coast. SEATEC submits the following considerations in support of consistency with the NMPF:

#### **Maritime Economy:**

The NMPF identifies the maritime economy as a key area for sustainable development. Commercial salvage and cargo recovery operations have been a recognised and lawful form of maritime economic activity for centuries, contributing through vessel operations, specialist skills employment, supply chain engagement, and the recovery of commercially valuable materials. The recovery of non-ferrous metals from the SS Ohio represents a commercially valuable maritime activity that contributes to the broader maritime economy.

#### **Heritage Assets Policy 1:**

SEATEC has addressed Heritage Assets Policy 1 in a dedicated submission (Point 2 of the RAI response). To summarise: the wreck is located at 142 nm from the Irish coast, outside the jurisdictional reach of Irish domestic archaeological heritage legislation; it carries no formal protected status or Underwater Heritage Order; and SEATEC has provided a detailed account of the wreck's condition and the controlled, monitored nature of the proposed operations.

#### **Environmental Protection:**

The operation has been designed to minimise environmental impact: DP2 positioning eliminates anchor deployment; mechanical grab operations are confined to the cargo holds; no impulsive

acoustic sources are deployed; a Tier 2 OSRP approved by the Irish Coast Guard is in place; and continuous monitoring using ROV and USBL is maintained throughout.

### **Regulatory Compliance:**

The application has been submitted to MARA under the MAP Act 2021, and SEATEC has engaged constructively with the regulatory process throughout. The project is coordinated with the Irish Coast Guard in relation to the OSRP. Prior to MARA's establishment, the Irish Coast Guard was the competent authority for offshore salvage operations of this nature in Irish maritime zones; the Coast Guard's approval of the operations and the current Tier 2 OSRP reflects a prior determination by a competent Irish regulatory authority that the activity is acceptable in principle. This history of regulatory engagement is consistent with the NMPF's principles of governance and regulatory compliance.

## **5(b) — Water Framework Directive 2000/60/EC**

The Water Framework Directive (WFD) establishes a framework for the protection of inland surface waters, transitional waters, coastal waters, and groundwater. Its primary geographic scope in the marine context is coastal waters, defined as surface waters on the landward side of a line every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline.

The SS Ohio wreck site is located approximately 142 nautical miles from the Irish coast — well beyond the geographic scope of the WFD's coastal water provisions. The open Atlantic waters at this location are not classified as water bodies for WFD purposes and are not subject to environmental objectives established under the Directive.

Notwithstanding the limited applicability of the WFD to the specific operational location, SEATEC confirms that the proposed operations are consistent with the Directive's underlying principles of preventing deterioration of water quality:

- Hydrocarbon release risk: The SS Ohio is a coal-fired steam vessel; no residual liquid petroleum fuel is present. The N35 carries a Tier 2-capable OSRP approved by the Irish Coast Guard. The risk of a hydrocarbon release of significance to water quality is low and managed.
- Dispersion of cargo material: The cargo consists of non-ferrous metals in solid bar and ingot form. Solid metals at 330 metres depth do not give rise to water quality deterioration of significance under the WFD framework. Recovery removes these materials from the marine environment, reducing the total metallic burden over the operational timeframe.
- No chemical inputs: The operations involve no use of chemicals, dispersants, explosives, or other substances that could affect water quality.

## **5(c) — Marine Strategy Framework Directive 2008/56/EC**

The Marine Strategy Framework Directive (MSFD) requires Member States to achieve or maintain Good Environmental Status (GES) in their marine waters. Ireland's MSFD obligations apply to its marine waters including the EEZ. The operational area falls within the geographic scope of the MSFD. SEATEC has assessed the proposed activity against all eleven GES descriptors:

- D1 — Biological Diversity: No species or habitat is targeted or destroyed. Localised seabed disturbance is confined to soft clay sediment without designated habitat status and does not affect biological diversity at the population or ecosystem level.
- D2 — Non-indigenous Species: The operations do not involve introduction of non-indigenous species or biological materials to the marine environment.
- D3 — Commercial Fish and Shellfish: The site is not within a significant fishing ground. No effect on abundance, distribution, or population structure of commercial species is anticipated.
- D4 — Food Webs: The operations are of limited duration and localised spatial extent. No effect on marine food web structure or function is anticipated.
- D5 — Eutrophication: No nutrient inputs will result from the operations.
- D6 — Sea Floor Integrity: Localised disturbance to soft clay seabed at the wreck site is anticipated, confined to cargo holds and the immediate debris field. This does not affect seabed integrity at a scale relevant to ecosystem functioning. The site does not constitute a sensitive benthic habitat.
- D7 — Hydrographical Conditions: The operations do not alter hydrographical conditions.
- D8 — Contaminants: Recovery of metal cargo removes existing contaminant sources from the marine environment. The SS Ohio carries no liquid hydrocarbon fuel. Solid metals do not release contaminants at levels relevant to GES under normal conditions.
- D9 — Contaminants in Fish and Seafood: Not applicable at this location and depth.
- D10 — Marine Litter: The operations do not introduce litter to the marine environment; recovered non-cargo material will be containerised and disposed of at port in accordance with MARPOL.
- D11 — Underwater Noise: Acoustic equipment deployed is non-impulsive (MBES, SSS, USBL). Noise levels produced are not assessed as contributing adversely to the acoustic environment in a manner relevant to GES under Descriptor 11.

SEATEC concludes that the proposed activity is consistent with Ireland's obligations under the MSFD and does not adversely affect the achievement or maintenance of Good Environmental Status in any of the eleven descriptors.

## **5(d) — EIA Directive (2014/52/EU) / Schedules 5 and 7, Planning and Development Regulations 2001**

The EIA Directive requires Environmental Impact Assessment for projects likely to have significant effects on the environment. The Directive is transposed into Irish law through the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended), with project categories listed in Schedules 5 and 7.

SEATEC has reviewed Schedules 5 and 7. The proposed activity — commercial cargo recovery from a shipwreck in the open EEZ using a surface crane and mechanical grab — does not correspond to any project category listed in Schedule 5 (mandatory EIA) or Schedule 7 (sub-threshold screening). It is not a port development, navigation dredging operation, offshore hydrocarbon extraction, pipeline installation, or any other listed category.

In any event, having regard to the nature, scale, and location of the activity, and on the basis of the environmental assessments submitted — including the SISAA, RAAIVS, OSRP, AIMU, and this Policy Consistency Statement — SEATEC is satisfied that the project would not be likely to have significant effects on the environment within the meaning of the EIA Directive, and that an EIA is not required.

## **5(e) — UN Convention on the Law of the Sea (UNCLOS) and Maritime Jurisdiction Act 2021**

SEATEC submits that the proposed operations are fully consistent with and supported by the legal framework established under UNCLOS and the Maritime Jurisdiction Act 2021.

### **Jurisdictional Position:**

The SS Ohio wreck is located at approximately 142 nautical miles from the Irish baseline, within the Irish EEZ. Under UNCLOS Articles 55–75, the EEZ grants the coastal State sovereign rights over the exploration and exploitation of natural resources of the seabed and its subsoil, and jurisdiction over matters specified in Article 56 — marine scientific research, artificial islands and structures, and protection of the marine environment. The EEZ does not grant the coastal State general sovereign rights over all economic activities within the zone. Commercial cargo salvage from a shipwreck does not constitute exploitation of natural resources within the meaning of Article 56.

### **Rights of Other States in the EEZ:**

Under UNCLOS Article 58, all States enjoy in the EEZ the freedoms of navigation and overflight and other internationally lawful uses of the sea. Commercial salvage operations conducted from a vessel are an internationally lawful use of the sea. The requirement to obtain a Maritime Usage Licence from MARA reflects Ireland's exercise of jurisdiction under the MAP Act 2021, with which SEATEC is complying in full.

### **Underwater Cultural Heritage — UNCLOS Article 303 and the 2001 UNESCO Convention:**

UNCLOS Article 303(1) imposes a general duty on all States to protect archaeological and historical objects found at sea. Under Article 303(2), coastal States may treat removal of objects from the seabed without approval as a violation of their laws only within the Contiguous Zone (24 nm). Article 303 makes no equivalent provision for the EEZ — a deliberate omission, as the drafting history of UNCLOS confirms that a proposal to extend coastal State heritage jurisdiction to the EEZ was specifically considered and rejected during the Third UN Conference on the Law of the Sea.

Ireland ratified the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage in December 2025, becoming the 82nd State Party. SEATEC acknowledges and welcomes Ireland's accession to the Convention. However, the Convention's provisions in respect of the EEZ — set out in Article 10 — establish a regime of international coordination and cooperation among States Parties, rather than conferring on the coastal State unilateral sovereign jurisdiction equivalent to that exercised within the Territorial Sea or Contiguous Zone. The coastal State's role under Article 10 is to act as coordinating State, facilitating consultation and cooperation with other States Parties having a verifiable link to the site. This is a cooperative mechanism, not a prohibition on all commercial activities involving underwater cultural heritage in the EEZ.

This interpretation is consistent with Ireland's own public statements upon ratification. The National Monuments Service described the effect of ratification as enabling Ireland, through an international

cooperative regime, to protect underwater cultural heritage beyond the 24 nm limit — language that confirms the EEZ regime is one of cooperation rather than unilateral authority. The Convention entered into force for Ireland in or around March 2026, after SEATEC's licence application, original supporting documentation, and the operational activities underpinning the identification evidence were already in place. SEATEC's application to MARA for a Maritime Usage Licence is itself consistent with the cooperative spirit of the Convention.

Accordingly, while SEATEC fully respects Ireland's obligations under the UNESCO Convention, the Convention's EEZ framework does not, in the circumstances of this application, extend full domestic heritage protection jurisdiction to the wreck of the SS Ohio at 142 nm. The applicable legal framework, as confirmed by the National Monuments Service in its correspondence of 7 December 2023, restricts domestic heritage enforcement jurisdiction to Ireland's Internal Waters, Territorial Sea, and Contiguous Zone.

### **Salvage Law:**

The law of salvage is a well-established branch of maritime law, reflected in the 1989 International Convention on Salvage (in force in Ireland). The right to conduct salvage operations on a wreck in waters beyond territorial seas, subject to applicable coastal State licensing requirements, is recognised in international maritime law. SEATEC's application for a Maritime Usage Licence is the appropriate mechanism through which to discharge the requirement to obtain Irish regulatory approval, and demonstrates SEATEC's full commitment to operating within the applicable legal framework.

### **Maritime Jurisdiction Act 2021:**

The Maritime Jurisdiction Act 2021 defines Ireland's maritime zones in accordance with UNCLOS, including the EEZ extending to 200 nautical miles from the baseline. The MAP Act 2021 establishes the licensing regime applicable to maritime usages within those zones. SEATEC's application under the MAP Act 2021 is the appropriate and legally compliant pathway to authorise the proposed activity.

## **5(f) — National Climate Objective (Climate Action and Low Carbon Development Act 2015, as amended)**

The National Climate Objective commits Ireland to achieving net-zero greenhouse gas emissions no later than 2050 and a 51% reduction in emissions by 2030.

The proposed activity contributes positively to the circular economy principles that underpin Ireland's climate action framework:

- Recovery and recycling of non-ferrous metals: The primary output is the recovery of brass, copper, zinc, and steel — metals with high intrinsic value and established recycling pathways. Every tonne recovered and recycled represents a tonne that does not need to be produced through primary mining and smelting. Secondary copper production typically requires approximately 80–90% less energy than primary production from ore.
- Contribution to strategic metal supply chains: Non-ferrous metals including copper and brass are critical materials for electrification, renewable energy infrastructure, and the low-carbon transition. Recovery from existing seabed sources contributes to European supply of materials essential for the climate transition.

- No carbon-intensive land processes: The operation involves no land-based excavation, ore processing, or chemical extraction.

The operational carbon footprint of the N35 is managed through compliance with IMO MARPOL Annex VI and the Ship Energy Efficiency Management Plan (SEEMP) requirements. On balance, the proposed activity is assessed as consistent with and supportive of the National Climate Objective.

## **5(g) — 4th National Biodiversity Action Plan 2023–2030**

Ireland's 4th National Biodiversity Action Plan (NBAP) 2023–2030 implements Ireland's obligations under the Convention on Biological Diversity and aligns with the EU Biodiversity Strategy for 2030.

SEATEC has considered the proposed activity against the objectives and actions of the NBAP:

- No designated habitats targeted: The SS Ohio wreck site does not coincide with any designated marine protected area, Natura 2000 site, or ecologically sensitive habitat identified under the NBAP. The seabed at 330 metres depth is soft clay, which does not constitute a priority habitat for the purposes of the NBAP.
- No impact on protected species: As detailed in the SISAA and RAAIVS, no significant effect on Annex IV species or other protected species is anticipated. Acoustic systems are non-impulsive; any disturbance to individual cetaceans would be temporary and reversible. Marine mammal visual monitoring will be maintained during acoustic operations.
- Net positive effect on seabed metallic contamination: Recovery of non-ferrous metals reduces the long-term presence of corroding metal structures on the ocean floor and the associated release of iron oxides and other corrosion products into the surrounding sediment and water column.
- No introduction of invasive species: The N35 operates with standard anti-fouling and ballast water management procedures in compliance with the IMO Ballast Water Management Convention.
- Post-operational monitoring: SEATEC commits to post-operational ROV survey of the wreck and surrounding area to document seabed condition changes, with findings reported to MARA.

The proposed activity is assessed as consistent with the 4th National Biodiversity Action Plan 2023–2030 and does not adversely affect any biodiversity objective established under the NBAP.

## **5(h) — Additional Relevant Information: Overall Purpose of the Proposed Maritime Usage**

### **Commercial and Economic Context:**

The primary purpose of the proposed maritime usage is the commercial recovery of non-ferrous metal cargo from the wreck of the SS Ohio. SEATEC is a specialist marine salvage and survey company with over three decades of operational experience, founded in Belgium in 1990 and operating internationally across multiple continents. The SS Ohio cargo recovery project is a significant commercial undertaking, the result of extensive historical research, archival investigation, seabed survey, and operational planning carried out since 2010.

### **Strategic Metal Recovery — EU Policy Context:**

The cargo of the SS Ohio consists of brass, copper, zinc, and steel — metals categorised as critical and strategic raw materials under EU raw materials policy. The European Commission's Critical Raw Materials Act (2024) and the broader EU strategic autonomy agenda identify secure and diversified supply of non-ferrous metals as a priority for European industry and the green transition. The recovery of copper and brass from the SS Ohio contributes to the pool of available secondary metals in the European market.

### **Maritime Heritage and Historical Record:**

The SS Ohio was a French merchant steamer lost on 7 March 1917 during the First World War, torpedoed by U-44 while on a transatlantic voyage from New York to Le Havre. SEATEC located the wreck in June 2023 following multi-year archival research including analysis of Kriegsmarine KTB records, Lloyd's of London casualty reports, and Allied naval documentation. SEATEC has documented the wreck's condition in detail and maintains records of the identification evidence, which are available to relevant heritage bodies on request.

### **Operational Safety and Regulatory Engagement:**

SEATEC has engaged proactively and in good faith with all relevant Irish regulatory and statutory bodies since 2023, including MARA, the Irish Coast Guard, the EPA, the NPWS, the National Monuments Service, and the Receiver of Wreck. The OSRP has been approved by the Irish Coast Guard. SEATEC is committed to operating transparently and in full compliance with all applicable regulatory requirements throughout the operational period.

### **Employment and Skills:**

The SS Ohio project employs a specialist crew with expertise in vessel operations, crane operations, ROV piloting, USBL positioning, and salvage project management. The operation represents sustained economic activity for the maritime specialist sector and contributes to the maintenance of rare, specialist offshore skills within the European maritime industry.