

Warsaw, 1<sup>st</sup> September, 2022

27<sup>th</sup> session of the ISA

Council, part II

Item 11 of the agenda

Draft regulations on exploitation of mineral resources in the Area

**Republic of Poland – written comments on regulation 48bis**

On draft regulation 48bis Poland would like to draw attention that the approved exploration regulations – which are the most important base for contractors to execute their obligations from the binding contracts with ISA – do not contain mandatory test mining.

An obligation to provide data from the test mining during the application process for exploitation means introducing a new compulsory element into the exploration provisions, because as we know, no activities in the Area can be carried out beyond either exploration or exploitation contracts.

If proposed regulations are adopted a contractor that executes its already approved plan of work for exploration in a good faith, which not include test mining, may not be able to apply for exploitation contract, because of this new obligatory.

In our opinion the contractors who wish to carry out test mining within exploration contract could still do this as an option. And those contractors who prefer to carry out test mining before commencing the commercial production could apply for compulsory revised reassessment of their environmental impact statements after granting the exploitation contract but before commencing the commercial production.