

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART III**

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council@isa.org.jm](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Environment

**2. Name(s) of Delegation(s) making the proposal:**

Belgium

**3. Please indicate the relevant provision to which the textual proposal refers.**

Article 48bis 'Test mining'

**4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

**Regulation 48bis**

**Test mining**

[

1. The purpose of test mining is to ensure that the mining equipment is technically appropriate, the operation economically efficient and that effective protection of the marine environment from harmful effects is ensured. Test mining projects shall as a general rule provide evidence that appropriate equipment is available to ensure the effective protection of the Marine Environment in accordance with Article 145.

2. ~~As the initial phase of the exploitation contract~~~~Before applying for an approval of a Plan of Work~~, a Contractor has to provide evidence to substantiate the required information in accordance with Regulation 7. A test mining study in accordance with Annex [IVter] shall be Submitted ~~by the Contractor and assessed and approved by the Authority with the application for the approval of a Plan of Work.~~ Potentially affected States, international organisations and relevant Stakeholders shall be consulted during this assessment in accordance with the relevant Standards and Guidelines.

3. Before Commercial Production may commence in accordance with Regulation 25, a Contractor shall obtain the approval by the Authority of the test mining study, in accordance with Paragraph 2.~~provide evidence demonstrating its ability to ensure effective protection of the Marine Environment, if there has been a material change pursuant to Regulation 57.~~

4. Contractors should apply for the approval for test mining projects from the Authority in accordance with all relevant Regulations, Standards and Guidelines. The potential effects of test mining projects shall be assessed as part in the form of the an Environmental Impact Assessment in Regulation 46bis Environmental impact assessment. ~~Potentially affected States, international organisations and relevant Stakeholders shall be consulted in accordance with the relevant Standards and Guidelines.~~

5. A test mining study pursuant to Paragraphs 2 and 3 does not have to be submitted if the evidence required has been demonstrated through test mining during exploration phase or in the context of another approved Plan of Work for an exploitation project. The Contractor has to submit relevant information to the LTC. The Commission shall decide whether the submission of a test mining study pursuant to Paragraph 2 or 3 is required.]

Additional modification of Regulation 58 'Review of activities under a Plan of Work' – the approval by the Authority, as mentioned in para 2 of Regulation 48bis, can be accompanied by a change in the Plan of Work. Therefore: the 'assessment of the test mining study' should be added as a 'events or changes of circumstance' in Regulation 58, §1.

##### **5. Please indicate the rationale for the proposal. [150-word limit]**

BE is in favor of having a test mining project, prior to the 'production' (full commercial exploitation activity). BE assumes that such a project will only be of full avail if it is scaled in a way that it sufficiently informs the decision on whether a full-scale exploitation activity may take place, without bringing harm to the environment. A test mining project, in our perception, is a small mining project, potentially entailing all environmental impacts a full-scale activity might have, albeit on a smaller scale. Thus all preventive, mitigation and restorative measures shall be taken, as well as all financial accompanying measures, in a proportionate way. An alternative way to accommodate for a proper ruling of the test mining project (alternative to the proposal of integrating test-mining in the exploration phase) is the integration of test-mining in the exploitation phase. This as a first, small-scale step, to be scaled up if the outcome of the test is successful and in accordance with the results of it. This BE proposal should be accompanied by a couple of other changes in the draft Regulations, but we hope this contribution clarifies the principles of the BE approach.

