

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

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.

1. Name of Working Group:

Informal Working Group – Environment.

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

Submitted by Nauru Ocean Resources Inc. and Tonga Offshore Mining Ltd.

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

Draft Reg. 48bis(3)-(4)(alt)

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.

3. Test mining projects require an approval by the Authority and shall be carried out in accordance with the rules, regulations and procedures for exploration and the recommendations for the guidance of contractors, in particular the assessment of possible environmental impacts arising from the exploration for marine minerals in the Area.

4. A new test mining project does not have to be undertaken if the evidence pursuant to Paragraph 1 has been provided through other test-mining projects ~~by the applicant,~~ including prior test mining projects conducted pursuant to the Recommendations or in the context of another approved Plan of Work for Exploitation. In such a case, the applicant shall compile in its test-mining report the information already available and explain, ~~explaining~~ why this is sufficient evidence. Prior to the submission of a plan of work, ~~If the applicant so requests, the, and the~~ Commission shall assess whether the evidence pursuant to Paragraph 1 has been demonstrated and confirm to the applicant that no additional test mining is required prior to the applicant’s submission of a plan of work. Otherwise, the Commission shall assess the evidence pursuant to Paragraph 1 in its review of the application and report to the Council pursuant to Regulations 11-15.

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

- We support Draft Reg. 48bis(alt) and believe it is the most sensible and practical way forward concerning the regulatory requirements for test mining.
- The Recommendations concerning the assessment of possible environmental impacts arising from the exploration for marine minerals in the Area contain the

regulatory framework for considering and approving test mining under exploration contracts.

- Under the Recommendations, the Commission must review an Environmental Impact Assessment (EIA) for test mining and issue recommendations to the Secretary-General for incorporating that EIA into a Contractor's programme of activities.
- Our edits to sub-paragraph 4 propose that applicant Contractors who intend to rely upon mining equipment that has already been subject to test mining requirements under the Recommendations are not required to conduct a new test mining project.
- Furthermore, we propose that – at the applicant's request – the Commission review prior test mining evidence and confirm to the applicant that no new test mining is required before the applicant submits a plan of work. This allows applicants to avoid costly and significant delays if new test mining is needed.