

Annex

TEXT PROPOSAL - after deliberations

- 1.—Subject to this Regulation, an applicant shall conduct a ‘test mining’ (prior to submitting an application for a Plan of Work for Exploitation – questioned by some). Information gathered through ‘test mining’ shall be compiled in a ‘test mining’ report in accordance with Annex IV, be in accordance with the relevant Standards and take into account the relevant Guidelines and shall inform the application on the Environmental Plans pursuant to Regulation 11. In particular with regard to the protection of the environment.
- 2.1. ‘Test mining’ means an *in situ* testing of the integrated system of all relevant equipment (e.g. collector, raiser and release techniques) and all related process steps for an exploitation activities under such technical, spatial and temporal conditions (which allows to provide evidence to ensure that the proposed mining equipment is technically appropriate, that the Marine Environment is effectively protected from harmful effects, including the cumulative effects as far as possible, in accordance with Article 145 of the Convention and that the effects could be monitored.)
(Alternative text: which provides evidence to support the information provided by an applicant in its application for a Plan of Work for Exploitation, and to assist the Commission and the Council in its evaluation of the application against the criteria contained in regulation 13.)
(‘Test mining’ may should also be undertaken in order to optimize the integrated system with regard to its potential effects on the Marine Environment. – questioned by some)
- 3.2. ‘Test mining’ requires a prior approval by the Authority and shall be carried out in accordance with the relevant (Rules of the Authority) (alternative text: Rules of the Authority including the relevant Recommendations, Standards and taking into account the relevant Recommendations and Guidelines), (in particular to ensure that the Marine Environment is effectively protected from harmful effects, including the cumulative effects, in accordance with Article 145 of the Convention.)
- 4.3. ‘Test mining’ does not have to be undertaken if the evidence pursuant to Paragraph 1 has been provided through other ‘test mining’ by the applicant – or in the context of another approved Plan of Work for exploitation or exploration. In such a case, the applicant shall compile in its ‘test mining’ report the information already available, explaining why this is sufficient evidence, and the Commission shall assess whether the evidence pursuant to Paragraph 1 has been demonstrated in its review of the application (request) and report to the Council pursuant to Regulations 11-15.
- 5.4. (After the approval of a Plan of Work, a validation monitoring system shall be established by the contractor, in line with the Environmental Management and Monitoring Plan, in order to monitor whether the requirements of the Plan of Work are complied with. In case of non-compliance, Regulation 52 will apply.)
- 6.5. (The gains from mineral resources which have been collected during ‘test mining’ shall be paid to the Environmental Compensation Fund, as established by Regulation 54.)
- 7.6. If a material change has been determined in accordance with Regulation 25 and 57 (2), the relevant organ of the Authority shall consider and determine whether and on which aspects an additional ‘test mining’ may haves to be undertaken in order to provide sufficient information pursuant to paragraph (2). In this case, paragraphs (1) and (3) apply.

