

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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:

Environmental Matters

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

Federal Republic of Germany

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

DR 48ter

The Text in black, blue and red shows the text as provided by the Facilitator. New text proposals are shown in **Green**.

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 48 ter

Test mining

1. Subject to this Regulation, an applicant shall conduct a “test mining” [prior] to submitting an application for a Plan of Work for Exploitation. Information gathered through “test-mining” shall be compiled in a test mining report in accordance with Annex IV, be in accordance with **and take into account** the relevant Standard **and** Guideline and shall inform on the **Environmental Plans** application for a Plan of Work for Exploitation in particular with regard to the protection of the environment. .

{2. “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 (**e.g. collector, raiser and release techniques**) for **an** exploitation activities in a contract area under such technical, spatial and temporal conditions which allows **the “test mining” to provide for the provision of 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 and 15.**

~~(to ensure demonstrate that the proposed mining equipment is technically and operationally appropriate, and that assumptions regarding impacts on the Marine Environment is effectively protected from harmful effects, can be validated. Data collected during test mining can be used to validate numerical models and predict including the cumulative effects, in accordance with Article 145 of the Convention, and that the effects could be monitored. "Test mining" should also be undertaken in order to optimize the integrated system with regard to its potential effects on the Marine Environment.]~~

~~2.alt. The purpose of test mining is to ensure 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.alt.2. 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.~~

3. "Test mining" in the Area requires a prior approval by the Authority consistent with the criteria in Regulation 13(1), and shall be carried out with reasonable regard for other activities in the Marine Environment, in accordance with articles 87 and 147 of the Convention, and in accordance with the [relevant] Standard and taking into account the relevant Guideline and Recommendations, in particular to ensure that the Marine Environment is effectively protected from [harmful effects] [serious harm], including the cumulative effects, in accordance with Article 145 of the Convention.

4. Test mining does not have to be undertaken if the evidence pursuant to Paragraph 1 has been provided through other "test-mining" nby the applicant, by other contractors, or in the context of another approved Plan of Work for exploration or exploitation. In such a case, the applicant shall compile in its "test-mining" report the information already available and explain 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. 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. 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.

~~[6 alt. Prior to the commencement of Commercial Production, the contractor shall provide the Authority with a test mining royalties report containing the information specified in the Standards and Guidelines in~~

~~respect of any minerals collected during 'test mining'. Royalties in respect of mineral resources that have been collected during 'test mining' shall be paid at the time the contractor makes its first payment of royalties after the date it commences Commercial Production.]~~

7. 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" ~~has~~may have to be undertaken in order to provide sufficient information pursuant to paragraph (2). In this case, paragraphs (1) and (3) apply.

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

- Germany is of the view that Test Mining must be undertaken before an application for an exploitation PoW is submitted. Therefore, the "prior" in the first paragraph must be kept.
- For paragraph 2, we support the original version with the amendments in Green. As the Council needs to take a decision pursuant to Regulation 16, it needs to be mentioned here apart from the Commission.

At the end of the paragraph we proposed the alternative text against the criteria contained in Regulation 13 and 15. The rest of the paragraph ("to demonstrate" to "marine environment") is superfluous and should be deleted.

- For paragraph 3, we strongly support to keep "harmful effects" instead of "serious harm", in accordance with the wording of Article 145.
- For paragraph 6, we support the original version.
- For the remaining paragraphs we can support the proposal by the facilitator.