

**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:

President's Text

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.

Regulation 25 – Documents to be submitted prior to production

Red text is in original draft; **blue text** indicates Germany's textual proposals

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 25

Documents to be submitted prior to production

5.

1. At least 12 months prior to the proposed commencement of production in a Mining Area, the Contractor shall provide to the Secretary-General a Feasibility Study prepared in accordance with **Annex XY and** Good Industry Practice, taking into account the applicable Guidelines **[as well as the results of the test mining study pursuant to Regulation [48bis], paragraph 2 or 3, as applicable, and in accordance with Annex [IV ter]].** and the Secretary General shall submit this matter to the Commission. If the Commission considers that any Material Change needs to be made to the Plan of Work, the Contractor shall prepare and submit to the Commission [through the Secretary-General] a revised Plan of Work accordingly.

~~[2. ——— Where, as part of a revised Plan of Work, the Contractor delivers a revised Environmental Impact Statement, Environmental Management and Monitoring Plan and Closure Plan under paragraph 1 above, regulation 57 (2) shall apply mutatis mutandis to such Environmental Plans [if the modification to the Environmental Plans constitutes a Material Change], and such Environmental Plans shall be dealt with in accordance with the procedure set out in regulation 11.]~~

~~[2.alt. Regulation 57 shall apply to a revised Plan of Work submitted by the Contractor under paragraph 1.]~~

~~3. ——— Provided that, where applicable, the procedure under regulation 11 has been completed, the Commission shall, at its next meeting, provided that the documentation has been circulated at least 30 Days before the meeting, examine and assess the Feasibility Study and any revised Plan of Work supplied by the Contractor under paragraph 1 above [in accordance with regulations 12 and 13 and~~

~~any relevant Standard,] and in the light of any comments made by members of the Authority, Stakeholders and the Secretary General on the Environmental Plans.~~

~~[3.bis. An application to renew an exploitation contract shall be accompanied by updated Environmental Plans to be reviewed in accordance with the provisions of regulation 11.]~~

~~4. If the Commission determines that the revised Plan of Work, including any amendments thereto dealt with in accordance with regulation 57(4), continues to meet the requirements of regulations 12 and 13, it shall recommend to the Council the approval of the revised Plan of Work. [If the Commission determines that it does not meet said requirements, the procedure established in Regulation 14 (b) will be applied.]~~

~~5. The Council shall consider the report and recommendation of the Commission relating to the approval of the revised Plan of Work in accordance with paragraph 11 of section 3 of the annex to the Agreement.~~

6. The Contractor may not commence Commercial Production in any part of the Area covered by the Plan of Work until either:

(a) The Commission has determined that no Material Change to the Plan of Work needs to be made in accordance with regulation 57 (2) and this has been approved by the Council; or

(b) In the event that a Material Change is made, the Council has given its approval to the revised Plan of Work pursuant to paragraph 5 above; and the [Authority has confirmed lodgement of] Contractor has lodged an Environmental Performance Guarantee in accordance with regulation 26.

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

GER holds view that draft regulation 25 has to be conceptually reconsidered for the following reasons:

- Paragraph 1: The contractor has to submit the “feasibility study” which is defined as a “comprehensive study of a mineral deposit in which all geological, engineering, legal, operating, economic, social, environmental and other relevant factors are considered”. More details are not mentioned. We suggest that at least an Annex should be developed explaining in detail what the feasibility study needs to entail and how it should be conducted. Also the relationship of the feasibility study to the Mining Workplan needs to be clarified, e.g. whether any results of this study inform an amendment of the Workplan. We thus propose a reference to such an Annex in paragraph 1.
- Furthermore, we have noted that references to test mining have been deleted. We suggest these to be kept in the regulation’s text as long as the test mining procedure is debated and its implications for the overall process has been clarified and consented.
- Paragraph 2alt: If there is a material change to the PoW, Germany is of the view that the whole procedure as stipulated in regulations 10 to 16 needs to apply, with regard to the aspects which are the reason for the material change. Therefore, paras 2 to 5 should be replaced by the new paragraph 2alt.