

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(s) of Delegation(s) making the proposal:

Russian Federation

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

Reg. 20

3. 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.

Term and ~~renewal~~extension of Exploitation Contracts

1. The maximum initial term of an Exploitation Contract is 30 years ~~{from the commencement of Commercial Production}~~{from execution of the contract}. ~~{Each renewal period shall be a maximum of 5 years.}~~

2. An application to ~~renew~~extend an Exploitation Contract shall be made in writing addressed to the Secretary-General and shall be made no later than [2] year before the expiration of the initial period or ~~renewal~~extension period of the Exploitation Contract.

3. The Contractor submitting an application to extend an exploitation contract shall supply a revised or a new Plan of Work, including updated Environmental Plans, as well as such documentation as may be specified in any applicable Standard and taking account of Guidelines.

3bis. The updated Environmental Plans are subject of Stakeholders Consultations according regulation 11.

~~The Contractor shall supply such documentation as may be specified in the Standards and Guidelines. If the Contractor wishes to make any changes to a Plan of Work and such changes are Material Changes according to Regulation 57, the contractor shall submit a revised Plan of Work [and a revision for all accompanying plans in accordance with Regulation 7]. [The Contractor shall conduct a consultation process on the revised Plan of Work, with all States and Stakeholders in accordance with Regulation 93 bis.]~~

4. The Commission shall consider [the] application to ~~renew~~extend an Exploitation Contract, [along with any revised documents or responses prepared by the Contractor pursuant to Regulation 93 bis (9) at its next meeting] provided the documentation required under paragraph 3 [or pursuant to Regulation 93 bis (9)] has been circulated at least ~~{30}~~{60} Days prior to the commencement of that meeting of the Commission.

4ter. The Commission shall submit its report and recommendations to the Council regarding an application to extend an exploitation contract no later than 120 Days from the date of the completion of the requirements for review of updated Environmental Plans, in accordance with regulation 11, or from the date of the completion of the amendments to the revised or a new Plan of Work, in accordance with regulation 14, if any, whichever date occurs later.

6. The Commission shall recommend to the Council the approval of an application to ~~renew~~extend an Exploitation Contract, and an Exploitation Contract shall be renewed by the Council provided that:

(a) Alt. [The term of renewal reflects the expected economic life of the mining project, taking into consideration such factors as the depletion of the ore, the useful life of mining equipment and processing facilities and commercial viability.]

(e) The requirements of regulation 13 are met; and

7. Each extension period shall be a maximum of 10/45 years for a maximum overall duration of the exploitation contract of 60 years.

8. Any ~~extension renewal~~ of an Exploitation Contract shall be effected by the execution of an instrument in writing by the Secretary-General or duly authorized representative, and the Designated Representative or the authority designated under Regulation 5 (2). The terms of a ~~renew~~extended Exploitation Contract shall be those set out in the standard Exploitation Contract annexed to these Regulations that is in effect on the date that the Council approves the ~~renewal~~extension application.

9. An Exploitation Contract in respect of which an application for renewal has been made shall, despite its expiry date, remain in force until such time as the renewal application has been considered and its renewal has been granted or refused.

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

It is suggested to use “extension” instead of “renewal” in line with the wording of other draft Regulations.

3. We prefer to work with para. 3Alt. Changes in a Plan of Work will be in any case of extension. Besides that, in our view, only Environmental Plans are subject of Stakeholders consultations

6(a)alt: we think that terms used in this paragraph need further clarification (economic life of the project, depletion of ore, useful life of mining equipment and processing facilities, commercial viability etc.

7. We suggest retaining paragraph 7. In our view, period of extension should be practicable and as such could be 10 years.

9: During the Exploration in case of extension the sponsorship continues to be in force. We think that this could be kept for exploitation