

**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.im.

1. Name of Working Group:

Informal Working Group on Environment

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Regulation 48ter (4)

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 [IWG ENV]

Test Mining

4. Test Mining does not have to be undertaken if the [information evidence] pursuant to Paragraph [12] has been provided through other “Test Mining” [undertaken] by the applicant, by other contractors, or in the context of another approved Plan of Work for Exploration or Exploitation. [Where in such a case,] the applicant [relies on such information it] shall compile [the information] in its “Test Mining” report [the information already available] and explain why this [information] is sufficient evidence [for the purpose of paragraph 2. and] The Commission shall, [in its review of an] [application] [request] assess whether the [information provided by the applicant in the Test Mining report evidence] pursuant to Paragraph 1 [above is sufficient to has been] demonstrated [compliance with] [the requirements set out in paragraph 2 above 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 note the proposed language in paragraph 4 that would defer the Commission’s review of test mining reports until the point of application. We are seriously concerned that such an approach would be extremely inefficient, undermine certainty for applicants, and increase the administrative burden on the Authority and costs for applicants.
- If, at the point of application, the Commission requires additional test mining data, this would require significant additional expense and time, given that the applicant will have already completed its proposed at sea activities preparing for the application.
- As such, we propose that the language be amended so that the Commission is able to consider test mining reports when requested by an applicant. This would enable early

engagement by the applicant with the Commission to ensure it is undertaking all of the work required to support its application and provide the Authority with the information it needs to properly consider the application.