

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31st 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:

Ireland and the Kingdom of the Netherlands

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

Regulation 13 "Assessment of applicants and application"

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.

Yellow represents our suggestions.

4. In considering the technical capability of an applicant, the Commission shall determine, in accordance with Standards and taking into consideration the Guidelines, whether the applicant has provided sufficient information to demonstrate it has:

~~[(a) Certification to operate under internationally recognised quality control and management standards;]~~

(b) The necessary technical and operational capability to carry out the proposed Plan of Work in accordance with the relevant Standards, in particular those developed under Regulation 45, Good Industry Practice and Best Environmental Practices using appropriately qualified and adequately supervised personnel;

(c) The technology, ~~[knowledge]~~[data, information], and procedures necessary to comply with the relevant Standards, in particular those developed under Regulation 45, the terms of the Environmental Management and Monitoring Plan and the Closure Plan, ~~and~~ taking into account the applicable Regional Environmental Management Plan, including the technical capability to identify and monitor key environmental parameters and ecosystem components so as to detect any adverse effects, and to modify management and operating procedures as required to meet all environmental requirements;

(cbis) met the technical standards of equipment, operational procedures and processes as described in paragraph 4, sub-paragraphs b and c, which may be proven, where appropriate and required with

certification to operate under internationally recognized standards, as accepted by the Council on recommendation of the Commission.

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

We are generally supportive of Draft Regulation 13.

Ireland and the Kingdom of the Netherlands agree with the removal of Paragraph 4 (a) in its current location, but have suggested adding a reference to certification in a newly proposed paragraph 4(cbis).

This submission is a resubmission of an earlier proposal by Ireland and the Kingdom of the Netherlands. Please find the rationale of the earlier proposal below.

In 2017, the Netherlands submitted a paper on the development of an assessment methodology and approval process for environmentally responsible mining technologies (ISBA/23/C/5). In Council Decision ISBA/23/C/18, the Council formally requested the Commission to consider, as appropriate, the submission by the Netherlands entitled “Development of environmentally responsible mining technologies: towards an approval process for mining equipment”, in the context of its work on the draft regulations.

The paper proposes to develop an approach for the assessment of mining technologies that could facilitate the application of future innovative technological developments. Current available technologies for exploitation are expected to exert different pressures on the ecosystem that may lead to various types of environmental impacts on the marine ecosystem. Future technological developments are not only needed to reduce such impacts but are also expected as innovations continue. A question that arises concerns how exploitation activities and the use of equipment to conduct exploitation will be assessed in relation to their impact on the marine environment. With regard to the impacts of equipment and how they are applied, the obligation to use of the latest technical developments needs to be incorporated in the regulations. The objective of the paper as submitted by the Netherlands in 2017 and of this proposal is to develop an assessment methodology for equipment, operational procedures and processes used in deep sea mining exploitation, and a subsequent approval process.

One method used internationally for such an approval process is the use of a private system of standardization and conformity assessment, which culminates in the prerequisite to have certification as proof for the assessment. The textual submission for DR13 requires from the contractor certification to confirm the performance of the equipment, operational procedures and processes used in exploitation activities in relation to their environmental impact. Certification can be part of an approval process as proposed in the paper for the LTC to ensure that the equipment, operational procedures and processes used in exploitation activities meet the relevant requirements for environmental protection (for example as set in the Standards, in particular those developed under regulation 45).

This suggestion is in line with the aforementioned paper from 2017 and the Council decision, but also with UNCLOS, Annex III, Article 4(2), which requires that qualification standards of applicants “shall relate to the financial and technical capabilities of the applicant and his performance under any previous contracts with the Authority.”