

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART II**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

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

The Pew Charitable Trusts

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

DR 48bis

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.

2. Subject to this Regulation, an applicant shall conduct a test mining project prior to submitting an application for a Plan of Work for Exploitation. Information gathered through test-mining projects shall be compiled in a test mining report in accordance with Annex XX [and ~~for~~ the relevant Standard, [taking into account](#) ~~or~~ Guidelines], and shall inform the Environmental Plans pursuant to Regulation 11.

3. Test mining projects require an approval by the Authority and shall be carried out in accordance with the rules, regulations and procedures for exploration and the recommendations for the guidance of contractors, in particular the assessment of possible environmental impacts arising from the exploration for marine minerals in the Area.

4. A [new](#) test mining project does not have to be undertaken if the evidence pursuant to Paragraph 1 has been provided through other test-mining projects by the applicant or in the context of another approved Plan of Work for Exploitation. In such a case, the applicant shall compile in its test-mining report the information already available, explaining 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 and report to the Council pursuant to Regulations 11-15.

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

We thank Germany for this proposal and the improvements it has made in response to stakeholder feedback following its presentation via webinar. Yet, we still have some concerns with paragraph 3 and 4.

Regarding paragraph 3, we agree with Germany's proposal that approval of a robust environmental impact assessment is needed prior to any test mining being conducted; however, for this paragraph to have the effect intended the referenced explorations regs and guidelines/recommendations would need to be amended. The exploration regulations and recommendations lack clear criteria for evaluating the environmental impact statement, such as the adequacy of baseline information and discussion of uncertainties, and provide little information on monitoring requirements, specifically with regards to the design of impact and preservation reference zones. In addition, these regulations and recommendations do not clearly stipulate that test mining may only occur after an EIS is approved, nor do they provide the LTC with authority to recommend disapproval of an unsatisfactory EIS.

Regarding paragraph 4, we recommend that clearer criteria be developed for the LTC to assess whether a previous test is sufficient to satisfy a proponent's test mining requirements.