

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART III**

*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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

IWG Environment

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

**Republic of Poland**

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

Regulation 48bis – test mining

**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 48bis**

Test mining

2. A Contractor shall conduct a test mining as a part of an exploration or exploitation contract, before commencement of commercial production, to provide evidence to substantiate the required information in accordance with Regulation 7:

a) If a Contractor has conducted test mining ~~B~~before applying for an approval of a Plan of Work, ~~a Contractor has to provide evidence to substantiate the required information in accordance with Regulation 7.~~ A a test mining study in accordance with Annex [IVter] shall be submitted with the application for the approval of a Plan of Work.

b) If a test mining is planned to be conducted as a part of exploitation contract, a Contractor shall include the relevant information in a Plan of Work and conducts a test mining according to the approved Plan of Work. A test mining study is submitted by a Contractor after completion of tests in accordance with Annex

[IVter] together with the application for the reassessment of the environmental impact statement before commencing the Commercial Production.

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

The approved exploration regulations do not contain mandatory test mining. An obligation to provide data from the test mining during the application process for exploitation means introducing a new compulsory element into the exploration provisions, because no activities in the Area can be carried out beyond either exploration or exploitation contracts.

If proposed regulations are adopted a contractor that executes its already approved plan of work for exploration in a good faith, which not include test mining, may not be able to apply for exploitation contract, because of this new obligatory.

We propose that contractors should have a choice - those who wish to carry out test mining within exploration contract could still do this as an option. And those contractors who prefer to carry out test mining before commencing the commercial production could apply for compulsory revised reassessment of their environmental impact statement after granting the exploitation contract but before commencing the commercial production.