

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART II**

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.*

**1. Name of working group**

President's text

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

Federal Republic of Germany

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

Draft Regulation 25

**Green text** is in original draft; **blue text** indicates Germany's textual proposals

**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 25**

**Documents to be submitted prior to production**

At least 12 months prior to the proposed commencement of production in a Mining Area, the Contractor shall provide to the Secretary-General a Feasibility Study prepared in accordance with Good Industry Practice, taking into account the [applicable] Guidelines [as well as the results of the test mining study pursuant to Regulation [48bis], paragraph 2 or 3, as applicable, and in accordance with Annex [IV ter]] which determines the required information- [and the Secretary General shall submit this matter to the Commission]. [In the light of the Feasibility Study, the Secretary-General shall consider whether any Material Change needs to be made to the Plan of Work in accordance with regulation 57 (2)]. If [the Commission] [he or she determines] [considers] that any [such] Material Change needs to be made [to the Plan of Work], the Contractor shall prepare and submit to the [Commission] [Secretary-General] a revised Plan of Work accordingly].

2. Where, as part of a revised Plan of Work, the Contractor delivers a revised Environmental Impact Statement, Environmental Management and Monitoring Plan and Closure Plan under paragraph 1 above, regulation 57 (2) shall apply mutatis mutandis to such Environmental Plans [if the modification to the Environmental

Plans constitutes a Material Change], and such Environmental Plans shall be dealt with in accordance with the procedure set out in regulation 11.

2 alt.) (replacing paras 2- 5) . In case the modifications constitute a Material Change pursuant to regulation 57, regulations 57 and 10 to 16 shall apply accordingly.

3. Provided that, [where applicable], the procedure under regulation 11 has been completed, the Commission shall, at its next meeting, provided that the documentation has been circulated at least 30 Days before the meeting, examine [the Feasibility Study and] any revised Plan of Work supplied by the Contractor under paragraph 1 above, and in the light of any comments made by members of the Authority, Stakeholders and the Secretary-General on the Environmental Plans.

[3.bis. An application to renew an exploitation contract shall be accompanied by updated Environmental Plans to be reviewed in accordance with the provisions of regulation 11.]

4. If the Commission determines that the revised Plan of Work, including any amendments thereto dealt with in accordance with regulation 14, continues to meet the requirements of regulation 13, it shall recommend to the Council the approval of the revised Plan of Work. [If the Commission determines that it does not meet said requirements, the procedure established in Regulation 14 (b) will be applied.]

5. The Council shall consider the report and recommendation of the Commission relating to the approval of the revised Plan of Work in accordance with paragraph 11 of section 3 of the annex to the Agreement.

6. The Contractor may not commence production in any part of the Area covered by the Plan of Work until either:

(a) The [~~Secretary-General~~] [Commission] has determined that no Material Change to the Plan of Work needs to be made in accordance with regulation 57 (2) [and this determination has been endorsed by the Council]; or

(b) In the event that a Material Change is made, the Council has given its approval to the revised Plan of Work pursuant to regulation 16 paragraph 5 above; and the Contractor has lodged an Environmental Performance Guarantee in accordance with regulation 26.

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

GER holds view that draft regulation 25 has to be conceptually reconsidered for the following reasons:

- The contractor has to submit the “feasibility study” which is defined as a “comprehensive study of a mineral deposit in which all geological, engineering, legal, operating, economic, social, environmental and other relevant factors are considered”. More details are not mentioned. GER thinks that at least an Annex is required which explains much more in detail what a feasibility study needs to entail.
- If there is a material change to the PoW, GER is of the view that the whole procedure as stipulated in regulations 10 to 16 needs to apply, with regard to the aspects which are the reason for the material change.

- Therefore, paras 2 to 5 could be replaced by the new para 2bis.

GER supports that para 1 clarifies that the Commission shall decide whether there is a material change.

We also support para 6 as this para ensures that commercial production may only commence if there is no material change or a modified plan of work has been approved by the Council.