

**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 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:**  
**Interoceanmetal Joint Organization**
- 3. Please indicate the relevant provision to which the textual proposal refers.**  
**DR48ter**

### **Test mining**

Comment: The IOM generally recognizes the need to use environmental mining test results and generally supports the idea of a mining test as shown in the current proposal for mining regulations.

However, we are aware that the final verification of the effectiveness of the environmental protection system and the maintenance of an appropriate level of this protection during mining will take place only after the correct implementation of the environmental monitoring system during mining, and only such a system will ensure the proper protection for which we fight so much here and on which we care so much. We consider that the development of the requirements for the monitoring system should attract much more attention.

The mining test can certainly provide a lot of data, the correct interpretation of which will probably help protect the environment, however, one must not forget that the role of the mining test is only prognostic and as such will always be subject to interpretation uncertainty and upscaling, if only because its results are valid at the moment.

In the accepted environmental protection engineering practices, there is a principle that the correct design and implementation as well as adjustment during the operation of the environmental monitoring system ensures the appropriate level of environmental protection. The assumption that the mining test is "to provide evidence to ensure that the proposed mining equipment is technically appropriate, that the Marine Environment is effectively protected from harmful effects, including the cumulative effects" may result in unjustified belief in the results obtained. This may be methodologically incomplete in the accepted from the view best environmental protection engineering practices.

Nevertheless, we generally support the idea of a mining test idea.

However, we have reservations regarding the legal consistency of the proposed provisions. Our concerns arise from the fact that the mining test regulations, as currently presented, do not encompass the exploitation phase. The mining test, as outlined in the existing proposal, is mandated to be conducted practically within the exploration contract framework, before applying for exploitation contract since its role is to feed the data for EIS. Consequently, the proposal extends beyond the scope of operational regulations, regardless of the chosen option available to the contractor. In practice, both options will be implemented as part of the exploration contract.

Maintaining these provisions in their current form may lead to discrepancies during practical implementation, which we cannot anticipate at present. This also holds true for the execution of tasks arising from approved work plans during the exploration phase. If the members of the Council consider it necessary to introduce these regulations, a much better effect would be achieved by renegotiating the exploration regulations in this area.

For example, in point 6 of the text proposal mining test, we read that "The gains from mineral resources which have been collected during 'test mining' shall be paid to the Environmental Compensation Fund, as established by Regulation 54" There are two questions: 1. What gains can we have during exploration? 2. What Environmental Compensation Fund, as established by Regulation 54 can exist during exploration at least for the first contractor exercising the regulations?

We do believe that a much better option would be to renegotiate the exploration regulations in this field for the purpose of better preparation of EIS before applying for exploitation.

Thank you very much.