

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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.*

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

Ireland

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

Draft Regulation 48 [ter]

**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.**

**Regulation 48[~~bis~~ ter] Test mining**

1. 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 IV, ~~be in accordance with~~ [and/or taking into account] the relevant Standard ~~and taking take into account the relevant~~ [or] Guidelines, and shall inform on the Environmental Plans pursuant to Regulation 11.

2. ~~[The purpose of]~~ [t] [“T]est mining” ~~means an in situ testing of the integrated system of all relevant equipment (e.g. collector, raiser and release techniques) and process steps (e.g. collector, raiser and release techniques) for an exploitation activities, under such technical, spatial and temporal conditions which allows~~ [shall be] to for the provision of provide evidence ~~[by information gathered through test mining projects]~~ to ensure demonstrate that the proposed mining equipment is technically and operationally appropriate, and that assumptions regarding impacts on the Marine Environment ~~is effectively protected from harmful effects~~ can be validated. Data collected during test mining can be used to validate numerical models and predict, including the effects, including cumulative effects. in accordance with Article 145 of the Convention ~~and that the effects could be monitored.~~ “Test mining” should also be undertaken in order to optimize the integrated system with regard to its potential effects on the Marine Environment.

3. “Test mining” ~~[projects]~~ require[s] a ~~[a]~~ [prior] 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]~~ [relevant Standard and taking into account the relevant Guidelines], in particular ~~[the assessment of possible environmental]~~ [to

ensure that the Marine Environment is effectively protected from harmful effects, including the cumulative effects, in accordance with Article 145 of the Convention] [impacts arising from the exploration for marine minerals in the Area.

~~4. [A new t] ["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 [E]xploitation. In such a case, the applicant shall compile in its ["test mining"] report the information already available [and explain,] [ [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.~~

5. [After the approval of a Plan of Work, a validation monitoring system shall be established by the contractor, in line with the Environmental Management and Monitoring Plan, in order to monitor whether the requirements of the Plan of Work are complied with. In case of non-compliance, Regulation 52 will apply.]

6. [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.]

7. If a material change has been determined in accordance with Regulation 25 and 57 (2), the relevant organ of the Authority shall consider and determine whether and on which aspects an additional ["test mining"] [project] has to be undertaken in order to provide sufficient information pursuant to paragraph (2). In this case, paragraphs (1) and (3) apply.

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

Ireland strongly supports the need for *in-situ* test mining, which must occur during representative background conditions. Therefore Ireland proposes the deletion of Para 4.

Ireland has included edits to Para 2 in order to ensure that the scope and purpose of test mining is comprehensive and clear and linked to Regulation 45.