

ISA 29th Session, Part I – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 25 - Documents to be submitted prior to production

Germany is of the view that this regulation has to be conceptually reconsidered. In particular, we believe the purpose and the contents of a “feasibility study” as well as the “process of developing the study” need to be clarified further.

Paragraph 1 sets out the obligation for the contractor to submit a “feasibility study”. So far, we only have in the Schedule a draft definition for a “feasibility study”, i.e. *“a comprehensive study of a mineral deposit in which all geological, engineering, legal, operating, economic, social, environmental and other relevant factors are considered”*.

As suggested before by Germany, we believe it to be appropriate to develop an *Annex* explaining in detail what such a “feasibility study” needs to entail and how it should be conducted. We also consider it to be important to clarify further the relationship between the “feasibility study” and the “Mining Work Plan”, e.g. whether any results of this study will inform an amendment of the Work Plan.

While we appreciate the inclusion of a square bracketed reference to “an Annex” in paragraph 1, we question whether a reference to “Annex 10” is accurate since this Annex sets out standard clauses for an exploitation contract. Germany believes a new Annex is needed for this purpose.

Furthermore, we have noted that references to test mining have been bracketed. We suggest keeping the reference for as long as the test mining procedure is debated and its implications for the overall process have been clarified and consented.

Lastly, we strongly support the inclusion of paragraph 2alt. If there is a material change to the Plan of Work, Germany is of the view that the whole procedure as stipulated in regulations 10 to 16 must apply.