

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

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 48ter - Test Mining

Germany welcomes the constructive and encouraging exchange when DR 48ter was discussed in March 2024. At that meeting, our proposal to require mandatory test mining (TM) during exploration, i.e. before the submission of an application for exploitation, received significant support.

We hold the view that Test Mining must be undertaken before any application with a Plan of Work towards exploitation is submitted, in order to enable the applicant to provide a realistic, robust and substantiated EIA and the necessary evidence for the environmental performance of the proposed project. Therefore, in **paragraph 1** of DR 48ter, the phrase “*prior to submitting an application for a Plan of Work for Exploitation*” should be kept in the text.

In **paragraph 2**, we support lifting the brackets on: “*all related (process steps)*” as this would set out clearer language.

Furthermore, towards the end of **paragraph 2**, we wish to keep the references to “*the Council*”. As the Council needs to eventually consider and decide on the approval of a Plan of Work pursuant to Regulation 16, the Council should be mentioned here in addition to the Commission. We therefore ask to lift the relevant brackets.

At the end of **paragraph 2**, with a view to provide for more clarity, we support the inclusion of “*against the criteria contained in Regulation 13 and 15*” and we support the deletion of the rest of this paragraph.

Concerning **paragraph 3**, with a view to be consistent with the wording of Art 145 of UNCLOS, Germany strongly supports keeping the reference to “*harmful effects*” instead of “*serious harm*”.

Finally, we are supportive of **paragraph 5** setting out an obligation on the contractor to establish a validation monitoring system with a view to monitor and assess whether the requirements of the Plan of Work are complied with.

