

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*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(s) of Delegation(s) making the proposal:**

Spain

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

Regulation 48 ter

Test Mining

**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.**

1. Subject to this Regulation, an applicant [or a Contractor] shall conduct T“test mining” [prior to submitting an application for a Plan of Work for Exploitation] **and** [before starting any commercial mining under an Exploitation Contract]. Information through T“test -mMining” shall be compiled in a Ttest Mmining report in accordance with Annex IV, be in accordance with [and take into account] the [applicable] [relevant] Standards and [~~taking into consideration~~] Guidelines [and shall inform on the application for a Plan of Work for Exploitation in particular with regard to the protection of the environment].the Environment

2. "Test mining" means an in situ testing of the integrated system of all equipment and [all related] process steps ([e.g. including collector, raiser and release techniques) for Exploitation [activities] in a Contract Area under [appropriate] [such] technical, spatial and temporal conditions which [allows the "Ttest Mmining" for the provision of] [~~provides~~] evidence **that there is no harmful effects on the marine environment and to support the Environmental Impact Assessment and Environmental Impact Statement of a information provided by an applicant in its application for a** Plan of Work for Exploitation, and to assist the Commission [and the Council] in its evaluation of the application **for a Plan of Work** [against the criteria contained in Regulation 13 and 15.][

[2. bis The purpose of the “Test-Mining” is to validate that the proposed mining equipment is technically appropriate and the effects of the **exploitation** activity, in particular with regard to the Protection of the environment, **do not harm the marine environment and operates as described in the Environmental Impact Statement of a Plan of Work for exploitation.**]

3. “Test Mmining” in the Area requires a prior approval by the [Commission] [Authority] [consistent with the criteria in Regulation 13(1),] and shall be carried out

with reasonable regard for other activities in the Marine Environment, in accordance with Articles 87 and 147 of the Convention, and in accordance with the [applicable] Standard and taking into ~~consideration account the~~ [applicable] [relevant] Guidelines and Recommendations [issued by the Commission under the Exploration Regulations], in particular to ensure that the Marine Environment is effectively protected from [harmful effects]/[~~Serious Harm~~], including the cumulative effects, in accordance with Article 145 of the Convention.

4. Test Mining does not have to be undertaken if the [information evidence] pursuant to Paragraph [12] has been provided through other “Ttest -Mmining” [undertaken] by the applicant, by other contractors, or in the context of another approved Plan of Work for ~~Exploration or~~ Exploitation. [Where In such a case,] the applicant [relies on such information it] shall compile [the information] in its “Ttest -Mmining” report [the information already available] and explain why this [information] is sufficient evidence [for the purpose of paragraph 2.and] tThe Commission shall, [in its review of an] [application] [request] assess whether the [information provided by the applicant in the Test Mining report evidence] pursuant to Pparagraph 1 [above is sufficient to has been] demonstrated [compliance with] [the requirements set out in paragraph 2 abovein its review of the application] and report to the Council pursuant to Regulations 11-15.

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

In relation to point 1, we believe that the two conditions indicated for carrying out the mining tests should be linked through the conjunction "AND" so that it is clear that the two conditions are necessary. So the text would read "prior to submitting an application for a Plan of Work for Exploitation and before starting any commercial mining under an Exploitation Contract”.

In point 2, we see the need to specify after “the provision of evidence” the meaning of that evidence, which is none other than there is no harmful effects on the marine environment, and to support the environmental impact assessment and environmental Impact Statement, as this data will be used to demonstrate feasibility of technology and to help understand environmental impacts on the natural conditions and therefore to make decisions about it.

Within this same paragraph 2 we also believe it is appropriate to specify at the end of it that the evaluation of an application is referred to a plan of work.

About paragraph 2 bis, again we think it is important to specify that the effects of the of mining activity do not cause any damage to the marine environment.

Between paragraph 2 and 2 bis, paragraph 2 seems much completer and more adjusted to reality to us, however we are flexible in what the majority decides in this regard.

Regarding paragraph 3, for a matter of consistency with the text, we understand that it is more appropriate to indicate "and taking into consideration Guidelines", since this is the way in which this concept is expressed throughout the Regulation. At the end of this same paragraph, we prefer the option of harmful effects, when talking about effectively protecting the marine environment from mining activity.

In relation to paragraph 4, we believe that in its fourth line, when it refers to the fact that Test mining does not need to be carried out again if it has been developed in another exploration or exploitation work plan. In this case we believe that the term exploration should be eliminated, since test mining is carried out when exploitation is going to take place. It aims to test the technology that will be used during it. In the exploration phase, large quantities of mining resources will not be extracted, so the tests carried out will have to be adjusted to the magnitude of the operation, which in this case is expected to be minor.