

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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.

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

Germany, Belgium and China

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

Regulation 7, 11, 12, 13, 25, 46, 48, 48 ter, 48 ter alt (new Alt.2).

Annex II, IV, VII.

Schedule Pilot Mining, 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.

Regulation 7, paragraph 3.bis (d)bis:

A Test Mining Report with all information obtained from testing mining activities conducted during Exploration¹; ~~study prepared in accordance with Regulation 48 ter [In cases where an applicant utilizes mature mining technology that has been internationally validated, there shall be no requirement to conduct Test Mining. Instead, the applicant shall provide supporting materials in relation to the mature mining technology when submitting the application];~~

Regulation 11:

To replace throughout the regulation: “Test Mining study” with “Test Mining Report”.

Regulation 12, paragraph 4:

Any previous operating record of the applicant, including in relation to Exploitation activities within other jurisdictions, as well as the applicant’s performance during the Exploration stage, including the quality of annual reports and baseline data, and ~~results of test Exploitation activities~~ the Test Mining Report.

Regulation 13:

To supplement paragraph 9 with a new subparagraph (e):

¹ An open issue is whether an applicable Standard or further details on Test Mining should be developed.

(e) Whether the Test Mining Report is in accordance with the applicable requirements and demonstrates that the test mining activities:

(i) Support the information provided in the present application for the approval of a Plan of Work for Exploitation;

(ii) Did not cause harmful effects on the Marine Environment; and

(iii) Were conducted under appropriate technical, spatial and temporal conditions, in accordance with any applicable Recommendation from the Commission;

Regulation 25, paragraph 1:

At least 12 months prior to the proposed commencement of Commercial Production ~~[in a Mining Area]~~ [Sustained Large-scale Recovery Operations], the Contractor shall provide to the Secretary-General a Feasibility Study prepared in accordance with ~~[Annex-X]~~ and Good Industry Practice, and the applicable Standard, taking into ~~consideration~~ [account the applicable] Guidelines as well as ~~the results of the Test [Pilot] Mining study Report and the updated Environmental Plans,~~ pursuant to Regulation ~~[48 ter Alt.2bis], paragraph 2 or 3, as applicable,~~ and in accordance with Annex [IV ter]. ~~and the Secretary General shall submit this matter to the Commission.~~

Regulation 46, paragraph 3:

(a) Be based on relevant [and representative] environmental baseline data [based on sufficient scientific information] in accordance with [applicable] Standards [and Regional Environmental Management Plans] and taking into consideration the Guidelines ~~[and the objectives and measures of the [relevant] Regional Environmental Management Plan];~~

{(f) Take into account the results from Test Mining activities conducted during Exploration., [if applicable,] in accordance with Regulation 48 ter;}

Regulation 48, paragraph 3(b):

Demonstrate that the proposed Exploitation is in accordance with all relevant environmental Standards and the Authority's environmental objectives and [taking into consideration] [in accordance with the requirements of] the relevant Regional Environmental Management Plan, [environmental baseline data] as well as any ~~additional objectives as set by the Contractor~~ Test Mining activities conducted during Exploration; and any results of the performed Test Mining Study, where applicable;

Regulation 48 ter:

To delete.

Regulation 48 ter. Alt. 2.:

1. Unless otherwise provided, nothing in this Regulation shall exempt the Applicant or Contractor, as the case may be, from conducting Test Mining before the submission of a Plan of Work for Exploitation.

24. Subject to this Regulation and the applicable Standard, a Contractor shall conduct “Pilot Mining” before starting any Commercial Production under an Exploitation Contract. Information gathered through Pilot Mining shall be compiled in a Pilot Mining Rreport in accordance with the applicable Standard and taking into consideration the Guidelines.

32. Pilot Mining is conducted by a Contractor in its preparation for commencement of Commercial Production, and to assist the Commission in its evaluation of the Feasibility Study.

43. The purpose of ~~the~~ Pilot Mining is to validate that the proposed mining equipment is commercially and technically appropriate and the effects of the activity, in particular with regard to the Protection of the environment, operates as described in the Environmental Impact Statement/Plan of Work.

54. Pilot Mining ~~in the Area~~ requires a prior approval by the Commission and Council 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 the Guidelines, in particular to ensure effective protection for the marine environment from harmful effects in accordance with Article 145 of the Convention.

6. 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.

75. Any gains from Mineral resources which have been collected during Pilot Mining shall be paid to the ~~Environmental Compensation Fund~~ mechanism for the sharing of benefits to be established by the Authority, as established by Regulation 54.²

² Recognizing the discussions in the intersessional working group on test mining, the proponents would like to invite views towards the collection of royalties arising from Pilot Mining and the point in time such payment should be made.

86. If a Material Change has been determined in accordance with Regulation 25 ~~and/or~~ 57 (2), the Council shall determine whether and on which aspects any additional Pilot Mining may have to be undertaken based on the recommendations of the Commission in order to ~~provide sufficient information to~~ satisfy the requirements of paragraph 32 above. In this case, paragraphs 12 and 34 above apply.

97. After the Pilot Mining, the Contractor shall submit to the Commission a Pilot Mining ~~R~~report. The Pilot Mining ~~R~~report shall provide information on the findings from the Pilot Mining, in accordance with the Standards and taking into consideration the Guidelines. On this basis, the Contractor shall accordingly update its Environmental Plans. The Pilot Mining ~~R~~report and the updated Environmental Impact Statement Plans shall mutatis mutandis be subject to Regulation 11 and provide the Commission with required information ~~to review for its assessment in accordance with the provisions of regulations 12 to 16~~ the findings in light of the Environmental Impact Statement/Plan of Work. The Commission shall, without undue delay, review the findings of the Pilot Mining Report study and the updated Environmental Plans and make appropriate recommendations to the Council.

108. The Council shall, without undue delay, consider the findings of the Pilot Mining Report study and the updated Environmental Impact Statement Plans based on the recommendation of the Commission and in accordance with the procedure set out in Regulation 16 ~~in light of the Environmental Impact Statement/Plan of Work based on the recommendation of the Commission.~~ If the findings of the Pilot Mining and the updated Environmental Impact Statement and Environmental Management and Monitoring Plans are in accordance with the criteria set out in Regulation 13, Environmental Impact Statement/Plan of Work and the requirements for any modifications under Regulation 57 are met, the Council shall make an affirmative decision and notify the Contractor through the Secretary-General. Thereafter, the Contractor may commence Commercial Production in accordance with the Exploitation Contract.

1140. The provisions under regulations 12 to 16 shall apply mutatis mutandis to paragraphs 68 to 810 in this Regulation.

12. Pilot Mining shall not equate to Commercial Production as defined under Regulation 27 and in the Schedule.

Annex II, paragraph d:

Details of the equipment, methods and technology expected to be used in carrying out the proposed Plan of Work, including the results of ~~{Test Mining}~~ conducted, ~~as~~

~~applicable~~] and the details of any tests and Pilot Mining to be conducted in the future, as well as any other relevant information about the characteristics of such technology, including processing and environmental safeguard and monitoring systems, [and electricity or other energy supply] together with details of any certification from a conformity assessment body;

Annex IV, paragraph 3.11:

Methodology for Description of the Marine Environment and Assessment of Environmental Impacts and Environmental Effects

~~{Provide a description of Methodologies, for collecting and analyzing baseline and “Test Mining” data and assessing the potential Environmental Impact and Environmental Effects from the proposed operations and alternatives considered.}~~

Annex IV in general:

To support inclusion with references to “Test Mining” (now in suspense document) into Standards and Guidelines.

Annex VII, paragraph 2(k):

Details of the proposed monitoring stations across the Contract Area, including the frequency of monitoring and data collection, the spatial and temporal arrangements for such monitoring and the justification for such arrangements, including how in situ validation of modelled results will be carried out. ~~{Where Test Mining was conducted,} proposed monitoring stations should, at a minimum, include the monitoring stations used during [test] mining [tests carried out in the Exploration phase]~~Proposed monitoring stations should, at a minimum, include the monitoring stations used during Test Mining;

Schedule

~~{“Pilot Mining” means an in situ operating of the integrated system of all equipment and all related process steps, including collector, raiser and release techniques, for exploitation activities in a Contract Area under appropriate technical, spatial and temporal conditions which provides evidence concerning, inter alia, environmental impact, commercial capacity, duration of operations to validate feasibility of future Commercial Production.}~~

~~“Test Mining” means an in situ testing that do not have harmful effects on the marine environment 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 technical, spatial and temporal conditions which allows the Test Mining for the provision of evidence to support the 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 against the criteria contained in Regulation 13 and 15.~~

“Test Mining ~~ALT~~” means the *in situ* use and testing of a fully integrated and functional mining system, including collection systems and water discharge systems.