

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

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:

Federal Republic of Germany

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

Draft Regulation 46ter

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 46ter

Environmental monitoring

1. The Contractor, through the Environmental Management and Monitoring Plan required under Regulation 48, shall observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution and other hazards to the marine environment of the mining operation following the approval of the Plan of Work. It shall keep under surveillance the effects of the mining operation to determine whether it is likely to have harmful effects on the marine environment.
2. ~~The Contractor shall cooperate with the Authority and the sponsoring State or States in the establishment and implementation of~~ the Contractor's environmental monitoring programmes shall be based on the respective Standard as agreed by the Authority and as referred to under DR 45.
3. The EMMP shall contain a monitoring programme for at least the first seven years of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards.
- ~~3.4.~~ 4.5. The Contractor shall report annually in writing to the Secretary-General on the implementation and results of the monitoring programme referred to in paragraph 2, in accordance with regulation 38, paragraph 2(g), and shall submit data and information, in accordance with the relevant Standards, and taking into account the relevant Guidelines and recommendations issued by the Commission. The SecretaryGeneral shall transmit such reports to the Commission for its consideration pursuant to article 165 of the Convention.
- ~~4.5.~~ In implementing paragraph 1, the Sponsoring State and Contractor shall maintain consultations, including a system of prior notification, with any coastal State across whose jurisdiction resource deposits in the Area lie, with a view to avoiding infringement of their rights and interests, in accordance with Regulation 4.

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

We support the amendments by the Facilitator (accepted in black text). We suggest that a clearer linkage to DR 48 will be provided, as the environmental monitoring is part of the EMMP. If retained as a separate regulation, it should follow DR 48 in the order of the DRegs. Furthermore, this DR must be linked to the detailed monitoring Standard(s), which are yet to be developed. A requirement for independent monitoring for a defined minimum period of time should also be included in either this DR or in DR 48 (EMMP).