

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

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. ~~A The Contractor, through the~~ pursuant to its Environmental Management and Monitoring Plan required under Regulation 48 and in accordance with the Standard on environmental monitoring programmes, shall observe, measure, evaluate and analyse, in accordance with Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques, the environmental risks or effects of pollution and other hazards to the ~~m~~Marine ~~e~~Environment ~~of arising from~~ 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 having or likely to have harmful effects on the ~~m~~Marine ~~e~~Environment.

2. ~~A The Contractor shall cooperate with the Authority and the sponsoring State or States in the establishment and implementation of monitoring programmes.~~ shall establish and implement an environmental management and monitoring plan, after approval by ~~cooperate with~~ the Authority and the sponsoring State or States in the establishment and implementation of the Contractor’s environmental monitoring programmes.

~~2.3.~~ The Environmental Management and Monitoring Plan 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. The Contractor shall report annually in writing in accordance with these regulations to the Secretary-General on the implementation and results of the an environmental management and monitoring programme— plan referred to in paragraph 2, in accordance with

regulation 38, paragraph 2(g), and shall ~~submit~~ release publicly, in an accessible format, real time or at monthly intervals, data and information in the required standardized format, and in accordance with the ~~relevant applicable~~ Standards, and taking into account the ~~relevant applicable~~ Guidelines ~~and recommendations issued by the Commission.~~ Other monitoring data, pertaining for example to monitored variations in geochemistry or fauna, shall be released annually in the form of a written report. The Secretary-General shall transmit ~~such annual~~ reports to the Commission for its consideration pursuant to article 165 of the Convention and publish them pursuant to Regulation 38(3).

4. 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 legitimate interests, in accordance with Regulation 4.

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

We support the amendments inserted by the Facilitator, if not indicated otherwise. In addition, we propose a few amendments, also in tracked changes. Needs clarification how it relates to DR48 (EMMP), and we are not convinced that Monitoring needs to be contained in a separate regulation from the EMMP. As Ghana on behalf of AG has suggested, the content of the 2 regs should be streamlined. If retained as a separate regulation, it should follow DR 48 in the order of the DRegs. In Para 1 we include a reference to the Monitoring Standard (see DR45), which is 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).