

**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:

Pew Charitable Trusts

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

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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 bis The Secretary-General shall make the Closure Plan submitted pursuant to paragraph (1) available on the Authority’s website for a period of at least 60 Days, and invite members of the Authority and Stakeholders to submit comments in writing.

1ter. The Secretary-General shall, within seven Days following the close of the comment period under paragraph (1bis), provide the comments submitted by members of the Authority and Stakeholders, to the Contractor for its consideration and to the Commission. The Contractor shall consider the comments and shall revise the Closure Plan or provide responses to the comments and shall submit any revised plans or responses to the Commission.

2. The Commission shall examine the final Closure Plan and any comments received pursuant to paragraph (1 bis.) and revision or responses made pursuant to paragraph (1 ter.) at its next meeting, provided that it has been circulated at least ~~30~~ 60 Days in advance of the meeting, bearing in mind article 165, paragraph 2(e), of the Convention. If the Commission lacks sufficient technical expertise to evaluate the final Closure Plan it shall consult competent independent experts [identified in accordance with Annex XI].

4. If the Commission determines that the final Closure Plan does not meet the requirements of regulation 59, the Commission shall require the Contractor to make amendments to the final Closure Plan as a condition for approval of the plan.

7. The Commission and Finance Committee shall review the amount of the Environmental Performance Guarantee provided under regulation 26 and include the results of that review and any relevant recommendations in its report to the Council on the final Closure Plan.

8. The Council shall consider the report and recommendation of the Commission and take a decision relating to the approval of the final Closure plan and the amount of the Environmental Performance Guarantee Plan

9. Any reports and recommendations submitted to the Council and decisions made by the Council under this regulation shall be published on the Authority’s Website by the Secretary-General within 7 days of a submission or decision being made.

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

Public review should be explicitly required for all key ISA regulatory decisions, including the approval of a final Closure Plan. We therefore recommend adding an explicit provision to this effect (see 1bis and 1ter).

Regarding para 7, we recommend that the Finance Committee might also be required to review the amount of the Environmental Performance Guarantee, and that the results of both the Finance Committee and the LTC's reviews and any relevant recommendations are provided in the report to the Council on the final Closure Plan.

On para 8, we agree that it is clear that the Council will take a decision on the approval of the Closure Plan and the amount of the EPG.

For the purposes of transparency and accountability, Pew recommends the inclusion of an additional provision, sub-paragraph 9, that provides that reports and recommendations submitted to the Council and decisions made by the Council under this regulation be published on the Authority's website by the Secretary-General within 7 days of a submission or decision being made.