

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 and send to council2022@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

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 An Environmental ~~Monitoring and~~ Management and Monitoring Plan shall manage ~~and confirm that the~~ Environmental impacts of mining operation accordingly to the environmental standards in this regulation. ~~effects meet the environmental [quality] objectives and [environmental performance] standards for the mining operation.~~ The plan will contain any conditions included in the Environmental Impact Statement and will set out commitments and procedures on how the environmental impacts of the mining operation will be monitored, how the Mitigation , including pollution control and Mining Discharge in regulations 49 and 50, will be implemented, how the effectiveness of such measures will be monitored, what the management responses will be to the monitoring results and what reporting systems will be adopted and followed.

Alt 1

~~1. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.~~

[2] Alt 1

The purpose of an Environmental ~~Monitoring and~~ Management and Monitoring Plan is to manage ~~and confirm that Environmental Effects meet the environmental quality objectives and standards for the mining operation.~~ the environmental impacts of mining activity, in accordance with the environmental objectives and standards indicated in this regulation. The plan will contain any conditions included in the Environmental Impact Statement and will set out commitments and procedures on how the environmental impacts of the mining operation will be monitored, how the mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented, how the effectiveness of such measures will be monitored, what the management responses will be to the monitoring results and what reporting systems will be adopted and followed.

3 (b) In accordance with the applicable regional environmental management plan, ~~if any~~; and

(c) Consistent with other plans in these regulations, prepared in accordance with the applicable Standards, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, taking account of the applicable Guidelines;

3bis (b) Any conditions included in the Council's environmental impact assessment decision and how it will be ~~will~~ set out

~~Prepared in accordance with the applicable Standards, Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, taking account of the applicable Guidelines; and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.~~

[3ter. The EMMP shall contain a continuous monitoring programme throughout the whole operation of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards.]

4. The Contractor shall provide information in its annual report on the implementation of the Environmental Management and Monitoring Plan in accordance with regulations 38, paragraph 2(g), and 46ter, paragraph 3, for evaluation by the Legal and Technical Commission, as well as publicly release, in an accessible format, monitoring data and information at a regular basis to be determined in each project.

~~as well as publicly release, in an accessible format, monitoring data and information at monthly intervals.~~

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

[1] New wording. Management and Monitoring instead of Monitoring and Management. An alternative wording is suggested. [2 [alt 1] An alternative wording is suggested. We prefer the term "impact" instead of "effect". [3 (b)] Removal of "if any". [3 (c)] New wording including "consistent with other plans in these regulations" as stated in (d). [3bis (b)] In order to provide a clear meaning of the sentence it should be included: "how it will be set out". [3ter] An alternative wording is suggested. In line with the German comments, Spain considers that there must be a continuous monitoring of the operation, and thus the regulation should not limit the monitoring to a seven-year period. 4. An alternative wording is suggested. We consider that the monthly basis is not always the most suitable one, depending on the particular project.