

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:

COUNCIL - PART 3

*Informal Working Group - Protection and Preservation of the Marine 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: Republic of Costa Rica

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

Regulation 60

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.

**60 Final Closure Plan: cessation of production**

1. A Contractor shall, at least 24 months prior to the planned end of Commercial Production, or as soon as is reasonably practicable in the case of any unexpected cessation, submit to the Secretary-General, for the consideration of the Commission, a final Closure Plan, ~~if such cessation requires a Material Change to the Closure Plan, determined in accordance with the procedures established in Regulation 57,~~ taking into account the results of monitoring and data and information gathered during the exploitation phase and the applicable Regional Environmental Management Plan ~~if any.~~

1bis The Secretary-General shall make the final Closure Plan available on the Authority’s website and open a period of at least 60 Days for members of the Authority and Stakeholders to submit comments in writing .

1ter: The Secretary-General shall, within 2 weeks after the close of the comment period under paragraph (1bis2), provide the comments submitted by members of the Authority and Stakeholders, to the applicant Contractor for its consideration and to the Commission. The Contractor shall consider the comments and shall revise the Closure Plan, provide responses to the comments and submit any revised plans and responses to the Commission.

2. The Commission shall examine the final Closure Plan and any comments received pursuant to paragraph (1)bis and revisions and responses made pursuant to paragraph 1ter at its next meeting, provided that ~~it has these have~~ been circulated at least 60 Days in advance of the meeting, ~~bearing in mind article 165, paragraph 2(e), of the Convention.~~ The Commission should consult

competent independent experts where necessary to ensure sufficient technical expertise to evaluate the final Closure Plan

3. If the Commission determines that the final Closure Plan meets the requirements of regulation 59, it shall recommend approval of the final Closure Plan to the Council.

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.

5. The Commission shall give the Contractor written notice of its decision under paragraph 4 above and provide the Contractor with the opportunity to make representations or to submit a revised final Closure Plan for the Commission's consideration, within 90 Days of the date of notification to the Contractor.

6. At its next available meeting, the Commission shall consider any such representations made or revised final Closure Plan submitted by the Contractor when preparing its report and recommendation to the Council, provided that the representations have been circulated at least 30 Days in advance of that meeting.

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 and take a decision on the report and recommendation of the Commission relating to the approval of the final Closure Plan and the amount of the Environmental Performance Guarantee.

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]

- In paragraph 1 "if any" should be deleted as there must be a REMP in place before the starting of the mining operation.
- For paragraph 1 bis and ter, Costa Rica consider is relevant to include such provisions until ISA have adopted standards on public consultation and can evaluate if it continues to be necessary. Public review should be explicitly required for key ISA regulatory decisions, such as approval of a final Closure Plan
- The EPG review is already required by DR 26, but could be better described in this regulation.