

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

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

Protection and Preservation of the Marine Environment

2. Name(s) of Delegation(s) making the proposal:

The Pew Charitable Trusts

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

Draft Regulation 60

4. 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.

The facilitators’ proposed amendments are reflected in **red**.

Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator’s text this is shown ~~in strikethrough and bold~~.

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 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 (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 and provide responses to the comments and shall 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.~~ 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].

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. 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.

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

We suggest two new paragraphs after paragraph 1 - Public review should be explicitly required for key ISA regulatory decisions, such as approval of a final Closure Plan and propose corresponding amendments to paragraph 2.

Regarding para 8, while the EPG review is already required by DR 26, we think it could be better described in this regulation.