

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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:

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 Contractor shall, pursuant to its Environmental Management and Monitoring Plan required under Regulation 48 and in accordance with the Standard on environmental monitoring programmes and other applicable Standards, 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 metrics relative to thresholds contained in the Standards, and risks to or effects of pollution and other hazards to of pollution and other hazards-Environmental eEffects of pollution and other hazards- the Marine Environment arising from Exploitation 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 mMarine eEnvironment. the [mining operation following the approval of the Plan of Work. It shall keep under sSurveillance, shall be conducted during all stages of the mining life eyeoperation, the effects of the mining operation to determine whether it is having or likely to have harmful effects on the Marine Environment until post-closure monitoring is concluded.

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 planprogramme, after approvalin accordance with the approved of the Contractor’s EMMPenvironmental management and monitoring plan and in accordance with the Standard on Monitoring Programmes.by cooperate with the Authority and the sponsoring State or States in the establishment and implementation of the Contractor’s environmental monitoring programmes as well as share findings and results of such programmes with the Authority for wider dissemination.

3. In addition to the Monitoring conducted by the Contractor pursuant to Paragraph 2, The Environmental Management and Monitoring Plan shall contain a monitoring programme

for at least the first seven years of Exploitationthe mining project, to be conducted by independent experts and in compliance with the applicable Standards.

43. The Contractor shall report annually in writing, in accordance with these regulations, to the Secretary-General on the implementation and results of the Environmental Management and Monitoring Plan environmental management and monitoring plan and the environmental management and monitoring programme plan referred to in paragraph 2, in accordance with regulation 38, paragraph 2(g), ~~and ¶The Secretary-General~~ shall release publicly, in an accessible format, real time or at monthly intervals, at monthly intervalsconsistent with best scientific practices, environmental data and information in the required standardized format, and in accordance with the applicable Standards, and taking into account the applicable Guidelines. Other monitoring data, requiring post-sampling analysis, pertaining for example to monitored-variations in geochemistry or fauna, shall be released annually in the form of a written report. The SecretaryGeneral shall transmit annual reports to the Commission for its consideration pursuant to article 165 of the Convention and publish them pursuant to Regulation 38(3).

54. In implementing paragraph 1, the Sponsoring State and Contractor shall maintain consultations, including a system of prior notification, with any adjacent coastal State across whose limits of national jurisdiction jurisdiction 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 suggest considering an integration of these provisions in DR 48 (EMMP).

In Para 3, the independent monitoring could either be conducted for the first 7 years, as suggested, or at periodic intervals. Needs further discussion. The independent monitoring is to verify independently the Contractor's monitoring data.