

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION: COUNCIL - PART I

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.

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

Pew's 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. Name of Working Group:

IWG Environment

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

Pew Charitable Trusts

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

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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.

~~4. If on the basis of the auditor's report and Commission's recommendations provided pursuant to paragraph (3), the Council decides that a Contractor has failed to meet the conditions of, or deadlines related to, the final Closure Plan and reporting thereon, the Council can shall direct the Contractor what further action needs to be taken to achieve satisfactory delivery of the Closure Plan. approval of the plan until satisfactory mitigating measures have been made by the Contractor. Until the Closure Plan has been approved by the Council the Environmental Performance Guarantee is retained and will be forfeited if no satisfactory plan is submitted. Retention and forfeiture of the Environmental Performance Guarantee is carried out in accordance with the relevant Standards and Guidelines without prejudice to other liabilities the Contractor may incur in accordance with International Law, the Convention or other applicable rules.~~

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

We note that after the second comma, the text refers to approval of the Closure Plan, which seems misplaced. We suggest some alternate wording to clarify that this provision relates to the Contractor's satisfactory delivery of implementation of closure (not the plan's adequacy)