

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

Open Ended Working Group on the protection and preservation of the marine environment

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

Chile

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

Part IV

Regulation 46 ~~{ter}~~ [bis] Environmental monitoring

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.

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, [and taking account of the ~~relevant~~ guidelines] observe, measure, evaluate and analyse, in accordance with [] Best Available Scientific [information], Best Environmental Practices, and Best Available Techniques, the environmental [] thresholds contained in the Standards, and risks to Environmental Effects on the Marine Environment arising from Exploitation [] Surveillance, [shall be conducted] during all stages of the mining [] [operation], [] to determine whether it is having or likely to have harmful effects on the Marine Environment until [] [satisfactory completion of a Closure Plan].

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

Chile consider the expression “relevant” creates a discretionary scenario that must be avoided. Thus, it should be suppressed, considering when a monitoring is carry out, the rules should be applying in concrete, and no offering a discretionary interpretation to the Contractor about the “relevant” applicable provisions.

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[3. In addition to the Monitoring conducted by the Contractor pursuant to Paragraph 2,] t he Environmental Management and Monitoring Plan shall [cover all stages of the mining life cycle, and on submission for approval]contain a monitoring programme for at least the first [] [five] years of the mining project , to be conducted by independent experts and in compliance with the applicable Standards [and taking account of the ~~relevant~~ guidelines].

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

Chile consider the expression “relevant” creates a discretionary scenario that must be avoided. Thus, it should be suppressed, considering that control, monitoring and surveillance in international environmental affairs is critical for an effective enforcement, which would be undermine by a discretionary interpretation about the “relevant” applicable provisions.