

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

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 46

Green text is in original draft; **blue text** indicates Germany's textual proposals

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 46

Environmental management system

~~1. [A Contractor shall develop, implement and maintain an environmental management system, in compliance with the Standards and taking account of the relevant Guidelines and internationally recognized standards, and in accordance with Good Industry Practice and Best Available Scientific Evidence.]~~

1. ~~1.bis~~^{Alt.} [A Contractor shall develop, implement and maintain an environmental management system, in compliance with the Standards and taking account of the relevant Guidelines and in accordance with Best Available Science and Scientific Information, Good Industry Practice and internationally recognized standards.]

2. An environmental management system shall, ^[inter alia]:

(a) Deliver the Authority's environmental objectives in the ~~[area under application]~~ ^[Contract area including those] ~~[as]~~ reflected in the ~~[applicable Regional Environmental Management Plan and the]~~ Applicant's Environmental Management and Monitoring Plan, ~~and taking into account the applicable Regional Environmental Management Plan]~~ as well as any additional objectives as set by the Contractor or Sponsoring State;

(b) Be ~~[reviewed and undergo]~~ ^[audited] periodically ~~[audits]~~ by an independent recognized and accredited international or national organization, in accordance with applicable Standards and Guidelines, ~~[at an interval to be agreed to by the Legal and Technical Commission]~~

~~and the Contractor]; and~~

(c) Facilitate effective reporting to the Authority in connection with environmental performance, pursuant to Regulations 33, 34, 38, 39, and 52.

~~[(c) Undergo periodic review and include the results of the audit, and any in the Contractor's annual reports and the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.]~~ **include the results of the audit, and any in the Contractor's annual reports and the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.** ~~[(c) Be in accordance with Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques [and Good Industry Practice.] and Internationally Recognized Standards]~~

~~3. All changes made to a Contractor's Environmental Management System, for example resulting from reviews and audits, shall be reflected in the Contractor's annual reports and in the performance assessment of the Environmental Management and Monitoring Plan under Regulation 52.~~ A proposed ~~[material]~~ change to a Contractor's Environmental Management System shall be treated ~~the same~~ as a modification ~~of to~~ a Plan of Work, pursuant to Regulation 57.

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

We support most amendments in the text as suggested by the facilitator – if not noted differently.

In Para 2 we suggest rephrasing so that REMPs are equally to be respected in terms of its specific objectives (see in text).

In Para 2b we suggest that the interval for review of the EMS will be defined either here in the regulation or in the relevant EMS Standard. Needs further discussion.

In Para 3 we suggest deletion of "material". The decision whether or not a change is material is regulated in DR 57.