

**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:

Informal Working Group – Environment.

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

Republic of Nauru

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

Regulation. 61(2)

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.

2. The Contractor shall continue to monitor the Marine Environment ~~for [such period] [X-years]~~ after the cessation of activities, ~~as set out in the final Closure Plan and for the duration provided for in the Standards and taking into account~~ Guidelines until the closure objectives have been achieved as set out in the final Closure Plan.

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

We suggest that rather than set an arbitrary monitoring period, such monitoring is linked to the delivery of the closure objectives set out in the plan.

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Regulation. 61(3)

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~~3. Upon completion of implementation of the Final Closure Plan, the Contractor shall, in accordance with the procedure described in the Standard, hire a competent, independent and accredited auditor to conduct a final compliance assessment and submit a final compliance assessment report according to the relevant Standards and taking into account relevant Guidelines to the Secretary General to ensure that the closure objectives contained in the final Closure Plan have been met. Such report shall be reviewed by the Commission at its next meeting, provided that it has been circulated at least 30 Days in advance of the meeting.~~

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

It is the role of the Authority, principally the Commission to assess whether the final closure plan has been complied with.

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Regulation. 61(3bis)

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3 bis. The Commission shall provide a report and recommendations ~~on that~~
~~performance assessment report~~ to the Council for consideration, who shall decide
whether the objectives of the final Closure Plan ~~has~~ been ~~satisfactorily~~
~~delivered~~achieved, which decision shall be relevant to the retention, release,
forfeiture or use by the Authority of the Contractor’s Environmental Performance
Guarantee. The report shall be published on the website of the Authority.

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

See comments for regulation 61(2) and (3). Linking successful delivery to tangible objectives is preferable.

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

Regulation. 61(4)

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 paragraphs (3) and (3bis),~~ the Council decides that a Contractor has failed to meet the ~~conditions of, or deadlines related to~~objectives of, the Final Closure Plan and reporting hereon, the Council shall direct the Contractor what further action must be taken to achieve ~~satisfactory delivery,~~the objectives of the Closure Plan.].

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

See comments for regulation 61(2) and (3bis). Linking successful delivery to tangible objectives is preferable.