

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

IWG ENV

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

Federal Republic of Germany

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

DR 46bis

**Red bold text** indicate Germany's textual proposals

**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.**

**Regulation 46 bis**

**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, 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.

2. The Contractor shall establish and implement an environmental management and monitoring programme in accordance with the approved [~~environmental monitoring plan~~ ~~Environmental Management and Monitoring Plan~~] and in accordance with the Standard on Monitoring Programmes and cooperate with, the Authority and the Sponsoring State or States as well as share findings and results of such programmes with the Authority for [~~wider dissemination~~ ~~public access~~].

[2.Alt. omitted]

3. **In addition to the Monitoring conducted by the Contractor pursuant to Paragraph 2** the 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] [seven]** years of **the mining project, commercial production** to be conducted **by independent experts** and in compliance with the applicable Standards and taking account of the **relevant** guidelines.

[3 .Alt. omitted]

4. 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 and the environmental monitoring programme referred to in paragraph 2, in accordance with Regulation 38, paragraph 2(g). The ~~[Secretary-General Contractor]~~ shall ~~[release publicly submit to the Secretary General]~~ [submit to the Secretary General] environmental data and information in the required standardized format, in real time or at [monthly intervals] [annually], ~~[if possible]~~ consistent 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. The Secretary General shall release the environmental data and information publicly in accordance with regulation 92bis. The Secretary-General 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).

5. In implementing paragraph 1, the Sponsoring State and Contractor shall consult, with any adjacent coastal State ~~[across whose limits of national jurisdiction lie]~~ with a view to avoiding infringement of their rights and legitimate interests, in accordance with Regulation 4.

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

- As suggested in previous meetings, this regulation could be merged with the DR 46ter on the EMMP as there otherwise is unnecessary duplication.
- If the regulation is retained separately, we suggest that in Paragraph 1 the requirement to establish a monitoring programme is the first point to include. This should be moved up from Paragraph 2 and the two Paragraphs need to be streamlined, as also suggested by the African Group.
- We do not support the deletions in Paragraph 3. As it is proposed in the facilitator draft, the text would be entirely duplicative of Paras 1 and 2. We have had this discussion in previous meetings, but to underline, what was meant in the original wording of this Para (and what we very much support) is the establishment of an independent monitoring for the first few years of commercial production, and this would be in addition to the obligatory permanent monitoring performed by the Contractor. Our amendments are reinsertions of this text.