

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

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 46ter

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 ter

Environmental Management and Monitoring Plan

1. Each applicant or Contractor for Exploitation shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation and Annex VII.

2. The purpose of an Environmental Management and Monitoring Plan is to manage and confirm that observed Environmental Effects meet Standards on environmental quality objectives, **the quantitative environmental thresholds,** and **the Standards on** environmental performance for the mining operation. The plan shall address any issues that arise from the Environmental Impact Statement and will set out commitments and procedures on how the Environmental Effects of the mining operation will be monitored and mitigated including on pollution control and Mining Discharge in Regulations 49 and 50.

3. The Environmental Management and Monitoring Plan shall include all elements and matters prescribed by the Authority in Annex VII to these regulations and shall:

(a) Be based on the Environmental Impact Assessment and the Environmental Impact Statement;

(b) Be prepared in accordance and consistent with the applicable Regional Environmental Management Plan,

(c) Be prepared in accordance and consistent with the applicable Standards ~~developed in accordance with Regulations 45 and 94~~ and taking account of the applicable Guidelines, as well as Good Industry Practice, ~~Best Available Scientific information~~, Best Environmental Practices ~~and Best Available Techniques~~;

(d) Be prepared in accordance and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan;

(e) Incorporate site-specific environmental objectives and environmental performance standards, which are compatible with and designed to achieve the environmental policy and objectives of the Authority and applicable Standards;

(f) Incorporate measurement criteria, ~~thresholds of the Authority defined in the~~ in accordance with the applicable Standard and reflect its methodology to determine whether the environmental quality objectives are being met and that the operation is compliant with ~~applicable environmental Standards and other~~ Rules of the Authority,

(g) Incorporate any recommendations made by the Commission, and approved by the Council, in its consideration of the Environmental Impact Statement, including commitments and procedures on;

(i) how the ~~environmental impacts~~ Environmental Effects of Exploitation~~the mining operation~~ will be monitored ~~in accordance with Regulation 46bis~~, the Environmental Management and Monitoring Plan EMMP Standard and the applicable Monitoring Standard,


(ii) how the Mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented,

(iii) how the effectiveness of such measures will be monitored,

(iv) how Preservation Reference Zones and Impact Reference Zones, designated in accordance with Annex Xter, will be utilised and implemented,

(v) what the management actions and responses will be to the monitoring results and new knowledge

(vi) what management and reporting systems will be adopted and followed, and;

(vii) how continual improvement will be promoted, including by testing assumptions and predictions made in the Environmental Impact Statement, improving environmental knowledge, and reducing residual uncertainties remaining from the environmental impact assessment process. 

3bis **The Contractor shall conduct monitoring for the entire duration of exploitation.** In addition to the ~~Monitoring required to be~~ environmental monitoring programme performed by the Contractor, the Environmental

Management and Monitoring Plan shall contain a supplementary monitoring programme for at least the first seven years of commercial production ~~mining operations~~, to be conducted by competent independent experts and in compliance with the applicable Standards. The Contractor shall conduct monitoring for the entire duration of the mining operation and comply with any post-closure monitoring requirement according to Regulations 59-61 and the applicable Standard.

4. The Contractor shall provide information on the implementation and compliance of the Environmental Management and Monitoring Plan pursuant to Regulations 51 and 52 in its annual report in accordance with regulations 38, paragraph 2(g), and 46bis, paragraph 4, for evaluation by the Legal and Technical Commission, as well as environmental data and information for publicly release, in an accessible format, consistent with Best Scientific Practices monitoring data and information at a regular basis and where practicable in real-time or on a monthly basis.

5. The Contractor shall allocate sufficient resources and assign roles and responsibilities to implementation of the Environmental Monitoring and Management Plan in relation to the relevant risks and impacts.

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

- We suggest to add the *quantitative environmental thresholds* in Paragraph 2 when referring to Standards on quality objectives.
- We have noted the proposal to move the provisions under Para 3 to a guideline. We look forward to discussing the possible placement of this text, using the provided Matrix. However, as in other regulations, we consider these items as binding requirements and therefore including them in a guideline would not be appropriate. For the time being, we suggest to retain the text here as the elements are rather described as higher level requirements.
- With regard to Paragraph 3bis – it is important to underline again that it is here referred to an additional independent monitoring, to be distinguished from the Contractor’s monitoring programme, as just also discussed in the previous regulation. An independent monitoring for a limited time frame is needed, among other things, to ensure that the ISA is not only reliant on contractor data. We do therefore not support the respective deletion of “competent independent monitoring”. The paragraph may benefit from further improvement and we are happy to provide a text proposal, however this would be depending on the future relation of this paragraph to DR 46bis on Monitoring Programmes.
- In the middle of this Para 3bis, the terms “commercial production” and “mining operation” can only be alternative options and the deletion of “*mining operation*” has probably been forgotten. We suggest that the term commercial production is here correct and sufficient.