

**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 59

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 59

Closure Plan

1. A Contractor shall develop a Closure Plan **for the project area**, in accordance with Regulation 7 (3) (i), Annex VIII to these regulations, the Environmental Management System and other Environmental Plans of the Contractor, as well as applicable **the relevant Standards and the applicable Regional Environment Management Plan**, also taking into consideration Guidelines **and the Regional Environmental Management Plan**.

[1.bis. The objectives of a Closure Plan are to ensure that:

(a) The marine environment is effectively protected **during Closure or any temporary suspension of Exploitation activities** and will have **a clear and** a healthy status following the end of **Exploitation mining activities**.

(b) The adverse **environmental** effects arising from closure activities are avoided, remedied, or mitigated.

(c) Any remaining environmental effects continue to be monitored and reported for a period prescribed in the closure plan,

(d) The mined site is returned to its natural state, or returned to its natural state to the extent possible, through rehabilitation and restoration,

(e) The closure of mining activities is a process that is incorporated into the mining life cycle,

(f) Contractors take appropriate steps to minimise harm to the environment and to human health during any period of temporary suspension.]

2. The Closure Plan shall, in accordance with the requirements of Annex VIII, set out the responsibilities and actions of a Contractor during any temporary suspension, and also for the decommissioning and closure of activities in a Mining Area, including the post-closure management and monitoring of remaining Environmental Effects. [In fulfilling these responsibilities, the Contractor shall, *inter alia*:

(a) Undertake activities and the scheduling of studies, based on available baseline data, to inform about Closure,

(a bis) Undertake a gap analysis of existing environmental data to determine if additional baseline information and/or surveys will be required, and

(a ter) Utilise Best Industry Practice, Best Environmental Practices, Best Available Techniques and Best Available Scientific Information,

(b) Set a date of cessation or suspension of mining activities, at which point a management and monitoring plan must also be in place for the period prescribed in the Closure Plan and in accordance with the Standards and taking into account the relevant guidelines and results obtained in previous monitoring activities,

(b bis) Undertake early discussions between the Authority and contractors so that regulators understand the likely timing of

(i) mining cessation,

(ii) decommissioning,

(iii) post-closure monitoring.

(c) ~~Identify, quantify, assess and detail the management measures for the~~ Final environmental condition of the area, including the state of remaining ~~reserves resources~~, the oceanographic, geological, biological, socioeconomic and sociocultural condition, and the risks relating to remaining Environmental Effects are identified, quantified, assessed and managed in accordance with Best Available Scientific Information, Best Available Technologies Best Available Technologies and Best Environmental Practices, which includes the gathering of information relevant to closure or suspension,

(d) Comply with ~~the necessary~~ health and safety requirements related to closure activities,

(e) Report on the identification, monitoring, and quantification of remaining Environmental Effects to the Authority, including data to inform about recovery or lack thereof, over a period established in the

closure plan, and management responses are implemented in a timely manner, including plans for further surveys, data collection, Mitigation, or remediation where appropriate, **in accordance with the applicable Standard and taking into account relevant Guidelines.** ~~[The collected monitoring data shall inform the Authority about the recovery, or lack thereof, over a time period required by the Closure Plan, in accordance with the applicable Standard and taking into account relevant guidelines,]~~

(f) Make and fulfil required disposal, restoration and rehabilitation commitments in accordance with the relevant Standards and taking into account the relevant Guidelines,

(f bis) Remove completely any Installations and equipment, or parts therefrom, from the Mining Area, as well as any kind of abandoned waste. The Closure Plan should include an assessment of options leading to the identification of the contractor's preferred decommissioning solution for Installations and equipment, as well as parts therefrom, and

(g) The mining activities are closed or suspended efficiently and safely.]

2bis. The Contractor shall ~~take steps to promote~~ ensure transparency during the Closure process and consult Stakeholders in the Closure Plan design, review, and implementation.

3. The Closure Plan shall cover the aspects prescribed by the Authority in annex VIII to these regulations and in accordance with the relevant Standards and taking into account the relevant guidelines.

4. A contractor shall maintain and update its Closure Plan **on the basis of the data and learning arising from implementation of the Environmental Monitoring and Management Plan and** in accordance with these regulations, and Good Industry Practice, Best Environmental Practices, Best Available Techniques, Best Available Scientific Information and the Standards and taking account of the relevant Guidelines.

5. The Closure Plan shall be reviewed and updated taking into account the results obtained from monitoring closure activities;

(a) Each time there is a Material Change in a Plan of Work, including new knowledge, technologies, devices and new scientific findings, change of contractor or sponsoring State,

(b) Every five years, when no Material Change has required an earlier update, and

(c) In the five years preceding the planned end of the period of Exploitation, the Closure Plan shall be updated [annually] **[every 2 years]** **[every 3 years]** **[in the third and fifth year]** **[in the year before closure]** and finalized in accordance with Regulation 60 (1).]

5. **Alt. In the five years preceding the planned end of the period of Exploitation, or any other period as deemed necessary by the Contractor and the Sponsoring State, the Closure Plan shall be reviewed annually and, if necessary, be updated and be finalized in accordance with regulation 60(1). The review and update of the Closure Plan shall take into account the results obtained from monitoring post-closure activities and each time there is a Material Change in a Plan of Work. In cases where no**

such Material Change has occurred and no monitoring data and information or improved knowledge or technology has signalled need for updates, every five years and at the end of the project and be finalized in accordance with regulation 60 (1). Details on the procedures of review of the Closure Plan, including conditions requiring updates thereof, shall be further elaborated in the Standards and Guidelines.

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

- We thank all colleagues involved in the intersessional work on this provision and for providing a revised and streamlined version of this regulation. We also note the proposal by our facilitator, to move certain parts into standards/guidelines. We look forward to considering this, supported by the proposed Matrix. While we are open to move certain details outside of the regulations we would assume that they must remain equally binding, as it would be given by a Standard.
- In Paragraph 1, as in other regulations, the reference to the applicable REMP should be clearer. Also for the contractors' development of a closure plan, the Regional Environmental Planning will be essential and any agreed regionally specified provisions should be adhered to. The wording "*take into consideration the REMP*" is insufficient and should be replaced by "*in accordance with the applicable Regional Env. Management Plan*". Furthermore, in Paragraph 1a, we propose wording that refers to the temporary closure as the regulations also require the application of the Closure plan for such instances.
- In Paragraph 2c we suggest to use "resources" as the correct term.
- Further amendment proposals are made in the text and should be self-explanatory.