

**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:

Environment

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

Kingdom of Denmark, Ireland, Federated States of Micronesia and Portugal

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

DR46 bis

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.

Proposed changes **highlighted in blue**

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 2t~~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 or States and Contractor shall ~~maintain~~ targeted and proactive consultations with any adjacent coastal States and ~~any~~ other potentially most affected coastal States in accordance with Regulation 93.ter ~~[across whose limits of national jurisdiction lie]~~ with a view to avoiding infringement of their rights and legitimate interests, in accordance with the Convention ~~Regulation 4.~~

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

The proposed changes are to improve clarity and to reflect the proposal for consultations with coastal States of DR93ter. For more detailed rational, please see DR93.ter.