

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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:

Protection and Preservation of the Marine Environment

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

The Pew Charitable Trusts

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

DR 60

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.

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

1. A Contractor shall, at least 24 months prior to the planned end of Commercial Production, or as soon as is reasonably practicable in the case of any unexpected cessation including a temporary suspension, submit to the Secretary-General, for the consideration of the Commission, a updated **Final Closure Plan**, taking into account the results of monitoring and data and information gathered during the exploitation phase and the applicable Regional Environmental Management Plan.
2. The Commission shall examine the Final Closure Plan and any comments received pursuant to paragraph 1bis and revisions and responses made pursuant to paragraph 1ter at its next meeting, provided that these have been circulated at least [30] (60) [[90] Days in advance of the meeting or of receipt of the Final Closure Plan. The Commission should, where necessary and appropriate to ensure sufficient technical expertise, consult external **competent independent experts**, identified in accordance with Annex VIII to evaluate the Final Closure Plan.

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

We largely support the new drafting of DR60, and again thank Fiji and the other members of the intersessional working group for leadership and hard work in this regard.

On para 1, we are not sure if it makes sense to require finalisation of a Closure Plan on the basis of temporary suspension? We see provisions that relate to Closure being quite different to provisions that relate to monitoring and management during a temporary suspension. We suggest there needs to be a separate part of the Closure Plan that relates specifically to contractor

obligations during a temporary suspension. This would be agreed at the application stage, and regularly updated in line with DR59. The Regulations can then simply specify that the Contractor implements the relevant part of the Closure Plan during temporary suspension without needing to finalise the rest of the Closure Plan. As such, we suggest that this regulation be re-drafted to include two separate processes for Closure and temporary suspension.

On para 2, we again suggest using consistent terminology when referring to competent independent experts.

Lastly, with regards to the proposals in the matrix, we do not support moving the contents of paragraphs 1ter, 2, 6 and 9 into the EMMP guideline.