

**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 61

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 implement the Final Closure Plan in accordance with Best Environmental Practices and Good Industry Practice and shall report to the Secretary-General on the progress of such implementation on an [annual] [two year] basis [after an initial 5 year period] [or on a case-by-case basis agreed by the Council on recommendation from the Commission]. This report shall include a summary of the results of monitoring, conducted in accordance with the applicable Standard and pursuant to the post closure monitoring programme, and management actions taken in response to any adverse Environmental Effects identified through monitoring, until completion of execution of the Final Closure Plan.~~
2. ~~The Contractor shall continue to monitor the Marine Environment for a minimum of [such period] [X years] after the cessation of activities, or until the closure objectives have been achieved, as set out in the Closure Plan and for the duration provided for in the Standards and taking into account Guidelines.~~
- 2 bis. ~~Monitoring data collected by the Contractor pursuant to this regulation and its Closure Plan shall be released publicly in an accessible format according to the relevant Standard and taking into account Guidelines in intervals defined in the Final Closure Plan according to the Standard in intervals defined in the Standard adhering to internationally recognized data principles, consistent with Best Scientific Practices, [in monthly intervals] [in annual intervals] [at intervals appropriate to the monitoring schedule]~~

3. Upon completion of implementation of the Final Closure Plan, the Contractor shall, in accordance with the procedure described in the Standard, hire a competent, independent and accredited auditor to conduct a final compliance assessment and submit a final compliance assessment report according to the relevant Standards and taking into account relevant Guidelines to the Secretary-General to ensure that the ~~closure objectives contained in the~~ Final Closure Plan has been successfully delivered~~ve been met~~. Such report shall be reviewed by the Commission at its next meeting, provided that it has been circulated at least 30 Days in advance of the meeting

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

On DR 61 paragraph 2, given the current status of scientific knowledge, it seems that any timeframe here would be arbitrary or driven by Industry concerns. As such, we recommend either setting a minimum here with sufficient flexibility to the Council to change it 'as the case may be' or for this to be settled in the Standards which presumably will be easier to amend.

We note the suggestion to move the second sentence in para 1 to the EMMP guideline - we see value in moving this from the regulations, however, would prefer it be placed in a Standard. We also note the suggestion in the matrix to move 2bis and para 3 to the EMMP guideline. We do not agree with this - these are important high-level mandatory requirements (i) for publication of data, and (ii) to determine when the Closure Plan has been successfully completed - which is a key milestone for a number of reasons, including determining the end of contract and the return of EPG - and therefore must stay in the Regulations.