

**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:

Informal Working Group – Environment.

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

Republic of Nauru

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

Regulation 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.

1 alt. A Contractor shall implement the Final Closure Plan and shall report to the Secretary-General on the progress of such implementation, including a summary of the results of monitoring, conducted in accordance with the applicable Standard and pursuant to the monitoring programme, and management actions taken in response to any residual adverse Environmental Effects identified through monitoring, until completion of execution of the Final Closure Plan. Such report will be submitted in accordance with the following schedule: on annual basis during the first [three] [five] years after cessation of mining activity, on two year basis during the next [six] [four] years, on five yearly basis during the remaining term of the Closure Plan. This schedule ~~can may~~ be ~~corrected in agreement with~~ adjusted by the Council based on recommendations from the Commission.

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 shall be released publicly in an accessible format according to the relevant applicable Standard and taking into account the applicable Guidelines ~~in at~~ intervals ~~defined set out~~ in the Final Closure Plan, ~~according to the applicable 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 applicable 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 applicable Standards ~~ss~~ and taking into account relevant the applicable Guidelines to the Secretary-General to ensure that the closure objectives contained in the final Closure Plan have 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.~~

4.the objectives of the Final Closure Plan and reporting hereon, the Council shall direct the Contractor to take the necessary ~~what further~~ action ~~must be taken~~ to achieve satisfactory delivery of the objectives of the final Closure Plan

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

Para 1Alt: we consider that paragraph 1 alt is preferable, subject to suggested modifications above as it more clearly specifies that the Contractor shall implement the Final Closure Plan, shall report to the Secretary-General on that implementation, and the timeframes around the relevant reports.

Para 2: we consider that prescribing for a specific number of years problematic and arbitrary. Linking monitoring to the achievement of the closure objectives is preferable. This would also be consistent with paragraphs 3, 3bis and 4 which reference achievement of the closure objectives.

Para 2bis: this paragraph is confusing and can be simplified as above. Equally, there should be consistency between the reporting requirement in para 1alt and this 2bis.