

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Informal Working Group – Environment.

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

Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 60(1), (1bis) and (1 ter)

**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 60**

**Final Closure Plan: cessation of production**

~~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 Final Closure Plan, taking into account the results of monitoring and data and information gathered during the exploitation phase and the applicable~~ relevant Regional Environmental Management Plan.

1bis. The Secretary-General shall make the ~~final~~ Final Closure Plan ~~submitted pursuant to paragraph (1)~~ available on the Authority’s website for a period of at least [60] [90] ~~days~~ and invite members of the Authority and Stakeholders to submit comments in writing.

1 ter. The Secretary-General shall, within [seven calendar days] [14 calendar days] following the close of the commenting period under paragraph 1bis, provide the comments submitted ~~by members of the Authority and Stakeholders~~, to the applicant or Contractor for its consideration and to the Commission. The Contractor shall consider the comments and provide responses to the substantive and relevant comments received and shall submit any revised plans and responses to the Commission within 90 days ~~from~~ after receiving the comments from the Secretary-General.

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

- We consider that it is not appropriate to require a Closure Plan where there is only a temporary suspension of activities. Instead, as is the case in terrestrial mining, a care and maintenance plan should be used for temporary suspensions. As such we propose removing temporary suspensions from Draft Regulation 60(1).
- We have also proposed minor drafting changes to Draft Regulation 60(1), (1bis) and (1 ter). In addition to changes for grammatical and consistency reasons, we propose to delete the reference to “members of the Authority and Stakeholders” in paragraph 1 ter as it is not necessary to limit or specify here who the comments have been received from.
- We also propose to limit the requirement on Contractors to respond to “relevant” comments consistent with the approach taken elsewhere in the Draft Regulations.

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Submitted by Nauru Ocean Resources Inc., Tonga Offshore Mining Ltd. and Blue Minerals Jamaica Ltd.

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

Draft Reg. 60(2), (6), (7) and (8)

**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.**

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 within 90 days of its receipt of the Final Closure Plan ~~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 may, where necessary and appropriate to ensure sufficient technical expertise, consult external independent experts, identified in accordance with Annex VIII to evaluate the Final Closure Plan.

[...]

6. ~~At its next available meeting, t~~The Commission shall consider any such representations made or any revised final Closure Plan submitted by the Contractor when in preparing its report and recommendation to the Council, ~~provided that the representations have been circulated at least [30] [60] [90] Days in advance of that meeting.~~

7. The Commission and Finance Committee shall review the amount of the Environmental Performance Guarantee provided under Regulation 26 and include the results of that review and any recommendations in ~~its~~ the Commission's report to the Council on the final Closure Plan.

8. The Council shall consider and take a decision based on the report and recommendation of the Commission relating to the approval of the final Closure plan and the amount of the Environmental Performance Guarantee.

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

- We reiterate our concern to tethering Commission approval of documents such as the Final Closure Plan to its twice-yearly meetings and have again proposed amendments to Draft Regulation 60(2) and (6) accordingly.
- The Commission is empowered to work intersessionally and should examine the Closure Plan, revisions to the Closure Plan or any relevant representations, within 90 days of receipt to ensure there is no unnecessary delay in these processes.
- We have also proposed minor changes to Draft Regulation 60(7) and (8) for clarity.