

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH 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(s) of Delegation(s) making the proposal:

SPAIN

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

Regulation 54

Establishment of an Environmental Compensation Fund

3. 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.

(e) The standard of proof required for claims against the funds;

(f) Temporal scope of the funds:

(fg) A policy on refunds of Contractor payments into the funds;

(gh) A process for determining disbursements or refunds from the funds; and

(hi) The promotion of the participation of affected persons or other Stakeholders in decisions about disbursement of funds.]

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

We believe that it would be important to include in the characteristics of the fund an aspect relating to the period during which it can be claimed. That is, the period during which its use can be requested in order to face any type of damage that may have occurred during the exploitation activities, since it could be the case that its use can be requested after the end of the exploitation activity. For this reason, we consider it important to define this aspect (e.g. up to 5 or 10 years after the end of the exploitation of an area, etc.).

Another aspect that could be taken into account in the description of the fund could be the impacts or activities that it will **not** cover, such as damage caused after the activity has ceased due to abandoned facilities with polluting potential without complying with mandatory measures to avoid this risk. In this case, it will still be the responsibility of the Contractor, which the Fund would not "initially" cover.