

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART II**

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

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

Federal Republic of Germany

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

Draft Regulation 46 bis

Green text is in original draft; **blue text** indicates Germany's textual proposals

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.

**Regulation 46 ~~[ter]~~ [bis]
Environmental monitoring**

1. A Contractor shall, pursuant to its Environmental Management and Monitoring Plan required under Regulation 48 and in accordance with the Standard on environmental monitoring programmes and other applicable Standards, [and taking account of the relevant guidelines] observe, measure, evaluate and analyse, in accordance with [Good Industry Practice,] Best Available Scientific [information] Evidence, Best Environmental Practices, and Best Available Techniques, the environmental [metrics relative to] thresholds contained in the Standards, and risks to Environmental Effects on the Marine Environment arising from Exploitation [the following the approval of the Plan of Work. It shall keep under] surveillance, [shall be conducted] during all stages of the mining [life cycle] [operation], [the effects of the mining operation] to determine whether it is having or likely to have harmful effects on the Marine Environment until [post-closure monitoring is concluded] [satisfactory completion of a Closure Plan].

2. The Contractor shall establish and implement an environmental management and monitoring [programme in accordance with the approved environmental] **Environmental Management and Monitoring Plan** [plan] and in accordance with the Standard on Monitoring Programmes and cooperate with, [after approval by] the Authority and the Sponsoring State or States [in the establishment and implementation of the Contractor's environmental monitoring programmes] as well as share findings and results of such programmes with the Authority for **wider dissemination public access.**

[2.Alt: A Contractor shall establish and implement an environmental monitoring programme, after approval by the Authority and the sponsoring State or States of the Contractor's environmental management and monitoring plan.]

[3. In addition to the Monitoring conducted by the Contractor pursuant to Paragraph 2, t The Environmental Management and Monitoring Plan shall ~~cover all stages of the mining life cycle, and on submission for approval~~ contain a monitoring programme for at least the first ~~seven~~ ~~[five]~~ years of ~~commercial production the mining project Exploitation~~, to be conducted by independent experts and in compliance with the applicable Standards ~~[and taking account of the relevant guidelines].~~

[3.Alt The Environmental Management and Monitoring Plan shall contain a monitoring programme for Exploitation, to be conducted in compliance with the applicable Standards.]

4. The Contractor shall report annually in writing, in accordance with these regulations, to the Secretary-General on the implementation and results of the Environmental Management and Monitoring Plan and the environmental monitoring programme referred to in paragraph 2, in accordance with Regulation 38, paragraph 2(g).

[4.bis.] The Secretary-General shall release publicly ~~[environmental data and information in the required standardized format], [in an accessible format], [in]~~ real time or at monthly intervals, ~~if possible~~ consistent with best scientific practices, environmental data and information in the required standardized format, and in accordance with the applicable Standards, and taking into account the applicable Guidelines. ~~Other monitoring data, [pertaining for example to monitored variations in geochemistry or fauna] shall be released annually in the form of a written report.~~ The Secretary-General shall transmit annual reports to the Commission for its consideration pursuant to article 165 of the Convention and publish them pursuant to Regulation 38(3).

5. In implementing paragraph 1, the Sponsoring State and Contractor shall consult with any adjacent coastal State ~~across whose limits of national jurisdiction lie~~ with a view to avoiding infringement of their rights and legitimate interests, in accordance with Regulation 4.

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

We support the independent monitoring as included in Para 3. This could either be conducted for the first 7 years, as suggested, or at periodic intervals. The independent monitoring is to verify independently the Contractor's monitoring data.