

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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 61

**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 61**

**Post-closure monitoring**

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 yearly] 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.

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 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 yearly basis during the next [six] [four] years, on five yearly

basis during the remaining term of the Closure Plan. This schedule can be corrected in agreement with the Council on recommendation 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, as set out in the final 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 Standard and taking into account Guidelines [in intervals defined in the 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 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.

3 bis. The Commission shall provide a report and recommendations on that performance assessment report to the Council for consideration, who shall decide whether the final Closure Plan has been satisfactorily delivered, which decision shall be relevant to the retention, release, forfeiture or use by the Authority of the Contractor's Environmental Performance Guarantee. The report shall be published on the website of the Authority.

4. If, on the basis of the auditor's report and Commission's recommendations provided pursuant to paragraphs (3) and (3bis), the Council decides that a Contractor has failed to meet the conditions of, or deadlines related to, the Final Closure Plan and reporting hereon, the Council shall direct the Contractor what further action must be taken to achieve satisfactory delivery of the Closure Plan.]

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

We suggest to keep the number of years of required monitoring (in Para 2) open for the time being but use the term "minimum period" as it will need to be flexible, depending on the development of environmental effects detected.