

ISA 29th Session, Part II – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 59 - Closure Plan

Germany supports reference to the Regional Environmental Management Plan in **paragraph 1** where it was struck out, after “Standards”.

In **paragraph 1.bis(a)** we suggest an addition to the existing wording to become more specific. The first line should read: *“The marine environment is effectively protected from environmental harm”*. Furthermore, in paragraph 1.bis(a) we support the text in the first bracket, but we are unsure about the second bracket, which offers a circular argument. It essentially states that an objective of the Closure Plan is for the mining site to meet the agreed Closure objectives. This does not seem logical. Instead, it would seem to make more sense to spell out the objectives of the Closure Plan in this very paragraph, which is entitled “objectives of a Closure Plan”. We note the crossed-out text attempted to do that by saying the mining site needs to have a *“clear and healthy status”*, and we therefore support keeping that text.

We appreciate this wording could be further refined and suggest we focus on doing that with the aim of spelling out the objective of a Closure Plan in this regulation. Cross-reference to DR 44.ter on strategic environmental goals and objectives will be helpful here. We believe it is important to have overarching objectives that are identical for all Closure Plans for each resource type, not least to have a common standard against which the Legal and Technical Commission can assess the adequacy of a Closure Plan. Of course, each Closure Plan can also have unique site-specific characteristics, that collectively give effect to the overarching objective. One option might be to keep **paragraph 1.bis(a)ALT** as well as the crossed-out version of **(a)ALT**. Each of these address separate points, both of which we can support, and which are best kept in separate paragraphs.

In **paragraph 1.bis(d)**, or its ALT version, like Canada, we cannot support reference to *“economically or technically feasible”* as that could allow a contractor to determine that restoration work is too expensive and therefore choose to not undertake it. The Area is the

common heritage of humankind, and it needs to be ensured that its ecosystems are sustained for future generations.

In **paragraph 3**, we strongly support the text in the first bracket, which requires a Contractor to continuously improve its environmental management. That will also offer valuable insights to the Authority, given that we are trying to regulate an activity for which the environmental and human rights effects are poorly understood.

Finally, we can support the suggested text in **paragraph 6**.