

CLOSURE PLAN – BRIEFING NOTE AND FIRST REVISED PROPOSAL

Submitted by Fiji as Facilitator of the IWG on Closure Plan

The present briefing note follows the [first revised proposal on Closure Plan](#) submitted by the Facilitator on 14 April 2026, and the first intersessional meeting of the Group held on 22 April 2026, and is presented with a view to informing the joint intersessional meeting of the IWGs on Environmental Management and Monitoring (EMM) and Closure Plan that will be held on 13 May 2026.

The delegation of Fiji wishes to thank the delegation of Norway, in its capacity as Facilitator of the IWG on EMM, for the comments and proposals submitted with a view to ensuring consistency between the provisions on EMM and those relating to the Closure Plan.

During the first intersessional meeting, participants expressed general support for enhancing alignment between the provisions on EMM and the Closure Plan, while also providing additional comments aimed at refining the text. In this context, support was also expressed for the restructuring of the relevant section and for the renumbering of the draft regulations on the Closure Plan, as proposed by Norway.

Following the meeting, five additional submissions were received and have been consolidated in the Annex below for consideration by participants. As in the first proposal, detailed comments are included in the boxes under each draft regulation.

As elements of the mark-up contained in the first proposal have now been incorporated and the text has been further refined, it was not considered necessary to prepare a clean version of the proposal.

Finally, as no substantive comments were received on the additions proposed by Norway to the EMM regulations aimed at ensuring consistency with the Closure Plan, participants are invited to provide their views on the proposal included as Annex III to the first briefing note linked above.

ANNEX – SECOND REVISED PROPOSAL ON CLOSURE PLAN

Regulation 51

Closure Plan

~~1. An Applicant shall prepare and a Contractor shall maintain a Closure Plan for the Mining Area, in accordance with, Annex VIII to these Regulations, applicable Standards and [consistent with other Environmental Plans of the Contractor], [the Environmental goals and objectives of the Authority as contained in regulation 44ter], [Alt. 1 the applicable Regional Environmental Management Plan], and taking into account the Guidelines [Alt. 2 and the applicable Regional Environmental Management Plan] [including environmental threshold values].~~

[1.Alt. A]n Applicant shall prepare and a Contractor shall ~~[develop]/[maintain]~~ [and update] a Closure Plan for the ~~[Mining Area]/[Contract Area]~~. ~~The Closure Plan shall include a date for cessation of Commercial Production.~~

~~1.bis~~ The objectives of a Closure Plan are to ensure that:

[(a) the Marine Environment is effectively protected from harmful effects of activities in the Area;]

~~[(b) Ecosystem Integrity has been maintained or restored, in accordance with the environmental goals and objectives in regulation 44ter;]~~

[(c) Any adverse Environmental Effects arising from Closure are Mitigated, and residual Environmental Effects continue to be monitored and reported for the period prescribed in the Closure Plan;]

~~[(d) all installation and equipment, or parts thereof, [and waste] are removed from the [Mining Area]/[Contract Area]; [and]]~~

~~[(de)Alt. all installations, equipment or parts thereof introduced into the Area or Marine Environment in connection with the Contractor's activities under the Contract are removed]~~

~~[(f) the Authority is informed about the state of the Contract Area at the time of cessation of Commercial Production, including any remaining Resources and the environmental conditions.]]~~

~~1.bis.Alt.ter~~ The Closure Plan shall be in accordance with [Alt. 1 the Authority's environmental policy and objectives [including those set out in regulation 44 ter] and [are compatible with] applicable Standards and [taking into account] the relevant Regional Environmental Management Plan, the relevant Guidelines, and be based on the Environmental Impact Statement, and shall include all elements and matters prescribed by the Authority in Annex VIII to these Regulations] [Alt. 2 Annex VIII to these Regulations and all relevant environmental plans, regulations, Standards and decisions of the Authority], and shall:

(a) set project specific environmental objectives and environmental performance Standards;

(b) set measurement criteria and methodology;

~~[(b) bis [detail] how spatial and temporal measures, including Preservation Reference Zones and Impact References Zones, will be utilised and implemented;]~~

(c) commit to specific measures and procedures on;

(i) monitoring the Environmental Impacts and Environmental Effects of Exploitation and Closure;

(ii) Mitigation and management, including pollution control in regulation 53 bis;

~~[(iii) monitoring the effectiveness of monitoring and management, as the relevant measures and procedures are implemented]; and~~

(iv) taking corrective action and responding to monitoring results and new knowledge with the aim of continuous improvement;

(d) describe what monitoring data and reports will be submitted to the Authority, including details of: frequency, format, medium, and data integrity Standards.}]

[1ter. The Contractor shall ensure that all installation and equipment, or parts thereof, are removed from the [Mining Area]/[Contract Area] after cessation of production.]

[2. The Closure Plan shall, in accordance with the requirements of Annex VIII, [set out]/[specify]/[describe] the obligations of a Contractor during any Temporary Suspension and [cessation of commercial production of mining activity]/[Closure].]

[2. bis In developing the Closure Plan, the Applicant shall, *inter alia*:

(a) undertake a gap analysis of existing environmental data to determine if additional information and/or surveys will be required [to inform closure];

(b) set a date for cessation of Commercial Production;

(b) bis ensure alignment between the Closure Plan and the Environment Management and Monitoring Plan for the duration of the Closure Plan [and the post-closure period], in accordance with the applicable Standards and taking into account the Guidelines; and

(c) include project-specific objectives, which may include Restoration [where possible,] and Rehabilitation commitments in accordance with the [environmental goals and objectives in the regulation 44ter and Closure objectives in paragraph 1. Bis,] applicable Standards and taking into account the Guidelines[,], including environmental threshold values[.].]

[2.ter In developing and maintaining the Closure Plan, the Applicant or Contractor shall ensure transparency, and shall:

(a) consult with all States and Stakeholders in accordance with regulation 93ter; and

(b) engage with [relevant] Stakeholders, and in accordance with regulation 93 bis, Standards, and taking into account the Guidelines, consult Stakeholders on the Closure Plan, design, review, and implementation.]

3. A Contractor shall maintain and update its Closure Plan on the basis of information arising from implementation of the Plan of Work and in accordance with these Regulations Good Industry Practice, Best Environmental Practices, Best Available Techniques, Best Available Scientific Information and the applicable Standards and taking into account the Guidelines.

4. The Closure Plan shall be reviewed and if necessary, updated [at the following intervals]:

(a) if required pursuant to regulation 57;

(b) every 5 years from the date of signature of the Exploitation Contract, except where a Closure Plan has been updated in the interim pursuant to regulation 57, in which case 5-years period shall be calculated from the date ~~the~~ Closure Plan was last reviewed; or

(c) [6 years][~~Alt. 1~~] [Alt.2] and] [4 years] prior to the [planned]/[expected] cessation of Commercial Production [as indicated in the approved Plan of Work].

~~[5. Alt. The updated Closure Plan shall be subject to Stakeholder consultation in accordance with regulation 93ter. Coastal states shall be engaged in accordance with regulation 93bis.]~~

~~6. Alt. Any update to a Closure Plan [Alt. 1 proposed by a Contractor, pursuant to paragraph 4Alt, subparagraph (b) or (c) shall be treated as a request for a modification to a Plan of Work approved by the Authority pursuant to] [Alt. 2 shall be made in accordance with] regulation 57.~~

Comments

- Most participants supported the alternative version of para 1. One participant also suggested that, if para 1.bis.Alt. (now 1ter) is retained, para 1 would become redundant. Since a proposal was received to amend the text of the original version of para 1, the relevant text has been added to the chapeau of para 1ter.
- In para 1.Alt., the final sentence has been deleted as already contained in para 2.bis.
- There seems to be support for keeping para 1bis.alt as an addition, rather than an alternative, to para 1bis. Participants suggested that para 1bis could focus on the objectives, while para 1.bis.alt (now 1.ter) could focus on how they are implemented. The two paragraphs have therefore been retained and streamlined to ensure consistency.
- One participant suggested that subparagraphs 1bis (c) and (e) (previously (f)) could be moved respectively to para 1ter and Annex VIII. While subparagraph (c) has been retained in brackets for the time being pending further comments, para 1bis(f) has been suggested deleted, as its content is reflected in para 1(g bis) of Annex VIII.
- One participant suggested deletion of para 2, based on the idea that its content is already covered by para 1ter (previously 1.bis.Alt.). However, since there was no agreement, the para has been retained in brackets pending further discussion. It has also been proposed to add “cessation of commercial production of mining activity” after “Temporary Suspension”. However, cessation of commercial production is a prerequisite of “Closure” (in line with the definition in the Schedule), so that it might be already encompassed by the defined term. Views are welcome on whether the para should be retained, and if the additional language proposed is needed.
- In para 2bis, it was suggested to replace “Applicant” with “Contractor”. This seems however inconsistent with the current wording of para 1.Alt.
- It was suggested to reinstate para 2ter, and to delete para 5. Participants are welcome to take a position on which provision on Stakeholder consultation should be retained.
- In para 4(c), most participants supported the idea of reviewing the Closure Plan 4 years prior to Commercial Production. While there was no support for “6 years”, one participant suggested keeping “6 years and 4 years”. The option has been retained for participants’ consideration.
- In para 6, the majority of participants supported option Alt.2, which has therefore been suggested retained. It is suggested that option Alt.2 is a streamlined version of option Alt.1, but does not alter its substance. However, any view is welcome on that point.

Regulation 51bis

Final Closure Plan: Cessation of Commercial Production

1. A Contractor shall, at least 24 months prior to the planned cessation of Commercial Production submit to the Secretary-General~~[Alt.1~~, for the consideration of the Commission,] a^[n] ~~[updated]~~ ~~[Final]~~ Closure Plan ~~[Alt. 2, which shall be treated as a proposed modification to a Plan of Work, for the purposes of DR57] [that shall be prepared on the basis of the previously approved Closure Plan, as updated in accordance with these Regulations].~~

~~[1. bis The Contractor shall consult on the [updated] [Final] Closure Plan with all States and Stakeholders in accordance with regulation 93 ter.]~~

~~1.bis.~~ ~~Alt.~~ The Final Closure Plan shall be subject to Stakeholder consultation in accordance with regulation 93ter. Coastal states shall be engaged in accordance with regulation 93bis.]

2. The Commission shall consider the [Final] [updated] Closure Plan and any comments received pursuant to paragraph 1bis ~~[Alt]~~ within the consultation [period under regulation 93 bis or regulation 93 ter].

3. If the Commission determines that the [Final] [updated] Closure Plan meets the requirements of regulation 51, it shall recommend approval of the Final Closure Plan to the Council.

4. If the Commission determines that the [Final] [updated] Closure Plan does not meet the requirements of the regulation 51;

(a) the Commission shall request the Contractor in writing to make and submit amendments to the [Final] [updated] Closure Plan as a condition for recommendation of approval of the Plan in accordance with paragraph 3 of this regulation:

(b) the Contractor shall have the opportunity to make representations and /or to submit a revised [Final] [updated] Closure Plan for the Commission's consideration, within 90 Days of the date of the request in subparagraph (a); and

(c) the Commission shall consider any representations under subparagraph (b) and any revised [Final] [updated] Closure Plan submitted by the Contractor when preparing its report and recommendations to the Council.

5. The Commission and Finance Committee shall review the amount of the Environmental Performance Guarantee provided under regulation 26 and whether it reflects the forecasted costs required for implementation of the Final Closure Plan. The Commission shall include the results of that review and any recommendations in [its] report to the Council on the [Final] [updated] Closure Plan.

6. The Council shall consider and take a decision based on the report and recommendation of the Commission. The Council's decision shall include such directions to the Contractor as the Council considers appropriate.

[6.bis Where a Contractor fails to comply with any requirement of this regulation, the Secretary-General shall refer the matter to the Compliance Committee for consideration in accordance with regulation 103. The Compliance Committee may take appropriate measures, including, where applicable, recommending to the Council, recourse to the Environmental Performance Guarantee provided under regulation 26.]

7. Any reports and recommendations submitted to the Council and decisions made by the Council under this regulation shall be published on the Authority's website by the Secretary General within 7 Days of a submission or decision being made.

Comments

- As mentioned in the first briefing note, there was no common understanding in the group on whether the Closure Plan covered by this regulation should be a Final Closure Plan or an updated one. One of the participants has however suggested that the term "Final Closure Plan" can be used, if the draft regulation makes clear that the latter is just a "final update" of the previously developed Closure Plan. The final part of para 1 was proposed and has been added to this purpose. Accordingly, the word "updated" has been suggested deleted throughout the draft regulation. Participants are encouraged to express their views particularly on this point.
- It was also proposed by one participant to just retain following wording of para 1: "A Contractor shall, at least 24 months prior to the planned cessation of Commercial Production, submit to the Secretary-General a Final Closure Plan, which shall be treated as a proposed modification to a Plan of Work, for the purposes of DR57." It was suggested that this provision might be moved to

another draft regulation and that the entire DR51bis might be deleted. Comments on this proposal are welcome.

Comments on previous DR51ter

- Draft regulation 51ter has been deleted, as all participants appeared to agree on its removal. One participant nevertheless suggested that its substance could be integrated into draft regulation 29. It remains unclear, however, how such an integration would differ from paragraph 2 of draft regulation 51. Comments are therefore invited on whether such integration is necessary and, if so, on the appropriate drafting.

Regulation 51 ~~quarterter~~

Implementation and Monitoring of the Final Closure Plan

1. The Contractor shall continue to monitor the Marine Environment as set out in the ~~Final~~ Closure Plan until the objectives of the Closure Plan have been achieved.

~~1. bis~~ The purpose of Closure monitoring is to:

(a) Obtain evidence that the Contractor fulfilled its obligations under these Regulations;

(a) bis Verify that there are no further impacts arising from Commercial Production after cessation: and

(b) Assess the need for Restoration ~~[(where possible)]~~ and Rehabilitation of the Marine Environment [in line with the objectives of the Closure Plan];

~~1. bis. Alt. The purpose of Closure monitoring is to obtain evidence that the Contractor fulfilled its obligations under these Regulations and to assess the achievement of the Closure objectives]~~

2. Upon completion of implementation of the Final Closure Plan, the ~~Contractor~~~~Authority~~ shall, in accordance with the procedure described in the applicable Standard, hire an Independent Auditor to conduct a final compliance assessment and submit a final compliance assessment report, in accordance with the applicable Standards and taking into account the Guidelines, to the Secretary-General to ensure that the ~~Closure objectives contained in the Final Closure Plan~~~~objectives of the Final Closure Plan~~ have been met. The report shall be reviewed by the Commission at its next meeting, provided that it has been published on the website of the Authority at least 30 Days in advance of the meeting.

[2. bis Any final compliance assessment reports prepared by the Independent Auditor shall be made available for commenting by Stakeholders and independent experts. Any comments received shall be made available for the Commission.]

[2. bis. Alt. In preparing any final compliance assessment reports the Independent Auditor shall consult Stakeholders and independent experts, as appropriate.]

~~[2. bis. Alt. 2. Before review by the Commission under paragraph 2, a final compliance assessment report prepared by the Independent Auditor shall be subject to Stakeholder consultation in accordance with regulation 93ter.]~~

~~3.~~ The Commission shall submit a report of its review under paragraph ~~26~~ and recommendations to the Council for consideration, which shall decide whether the objectives of the Final Closure Plan have been achieved. The Commission's report and Council's decision shall be published at the Authority's website [in accordance with regulation 92]~~[within 7 Days of a decision being made].~~

4. If the Council decides that a Contractor has met the objectives of the Final Closure Plan, the Council shall release the Environmental Performance Guarantee to the Contractor.

5. If the Council decides that a Contractor has failed to meet the objectives of the Final Closure Plan and reporting hereon, the Council shall either:

(a) direct the Contractor on further action that shall be taken to deliver the Final Closure Plan; or

(b) direct the Authority to use funds from the Environmental Performance Guarantee to facilitate work to meet the objectives of the Final Closure Plan and on completion of that work, to release remaining funds from the Contractor's Environmental Performance Guarantee to the Contractor.

Comments

- Participants seemed to agree with the proposed deletions and changes to the structure of the draft regulation.
- As mentioned in the previous briefing note, there seems to be an inconsistency in the reference to "Closure objectives", "objectives of the Closure Plan", "Closure objectives contained in the Final Closure Plan", and other languages. This draft regulation seems to make reference to the actual (Final) Closure Plan that has been developed, and not to the more general objectives of "Closure". As such, it is proposed that the reference might be standardized to read "objectives of the Closure Plan" or "objectives of the Final Closure Plan", as appropriate. This proposal has been implemented in para 2 (previous 6), pending further comments.
- A second alternative version of para 2bis (previously 6bis) has been proposed. Comments are welcome on the preferred alternative.

Annex VIII

Closure Plan

1. The Closure Plan or Final Closure Plan shall be prepared and implemented in accordance with regulation 7 and regulations 59-61, 51 to 51ter, the Environmental Management System, Standards and taking into account the Guidelines and the relevant Regional Environmental Management Plan and shall include sufficient information to address the following elements/the following information:

(a) a description of the Closure objectives to ensure that the Closure of Exploitation activities is a process that is incorporated into the mining life cycle, any measures agreed or proposed to implement these, and how these relate to the mining activity and its environmental, socioeconomic and sociocultural setting;

(b) the period during which the plan will be required, which shall be determined by reference to a specified duration, achievement of a specified event or target indicator or compliance with specified terms agreed with the Authority and shall relate to the objectives of the Environmental Impact Assessment, such as recovery of impacted environment;

(c) geographical coordinates showing the area(s) subject to the Closure objectives and specifications of the geodetic datum used, accompanied by a map;

~~(d) a summary of the relevant regulatory requirements, including conditions previously documented, e.g. baselines;~~

(e) details of the Closure implementation and timetable, including descriptions of the arrangements for the Temporary Suspension of Exploitation activities or for

permanent Closure as well as Decommissioning arrangements for vessels, Installations, plant and removal of equipment (where applicable);

{(f) summary of data and information relating to environmental baseline for monitoring measures;}

{(g) a summary of the Environmental Impact Statement entailing an updated Environmental Impact Assessment for the activities that will be undertaken during Closure, if any, together with details of the identifiable remaining Environmental Effects, including any relevant technical documents or reports as well as the expected period until recovery of the environment towards natural state conditions;}

[(g)bis information sufficient to describe the state of the Contract Area at the time of cessation of Commercial Production, including details of any remaining Resources and the prevailing environmental conditions of the marine environment affected by the mining activities;]

{(h) the temporal and spatial intensity of monitoring to be undertaken during and after Closure needs to mirror monitoring efforts prior and during Exploitation using equivalent methodology to allow for full quantification of the impact as well as of any recovery from impacts. Details of monitoring to be undertaken during and after closure (comparable to monitoring efforts prior and during exploitation) that specify the sampling design (spatial and temporal sampling), the methods to be used and the duration of the [post-closure activities] [and] [post Commercial Production];}

(i) details of the management measures to minimize, control, Mitigate the remaining Environmental Effects;

(j) details of the remediation, Restoration and Rehabilitation (where possible) objectives and activities building on those detailed in the Environmental Impact Statement and the Environmental Management and Monitoring Plan;

(k) documentation of environmental recovery and details of any anticipated residual impacts that may remain even after Mitigation measures;

(l) information on reporting and management of data and information [post closure] [and] [post Commercial Production] including information on how data will be archived and made publicly available [post-closure] [and] [post Commercial Production], and how the formatting of submitted datasets and reports will be consistent with best scientific practices;

(m) details of the persons or entity (subcontractor, consultant(s)) that will carry out the monitoring and management measures under the Closure Plan or Final Closure Plan, including their qualification(s) and experience, together with details of the budget, (incl. inflation adjustment for long-term monitoring), project management plan and the protocols for reporting to the Authority under the Closure Plan or Final Closure Plan;

(n) details of the amount of the Environmental Performance Guarantee provided under these Regulations; and

[(o) details of consultations with Stakeholders in respect of the plan.]

[(o)Alt. A summary of the comments received as a result of the consultation with Stakeholders and of how they have been considered by the Contractor]

2. The level of detail in the Closure Plan or Final Closure Plan is expected to differ between cases involving a Temporary Suspension of Exploitation activities, cases involving unplanned abandonment of work, and cases involving final mine closure. The content of the Closure Plan or Final Closure Plan is to be commensurate with the nature, extent and duration of activities associated with the level of closure and maturity of the project.

Comments

- In line with the previous briefing note, the Facilitator has commenced the consolidation of Annex VIII, based on the comments received.
- The addition made in para 1(g bis) was made to reflect the comments received on para 1.bis(f) of DR51, which is currently suggested deleted. However, as not all delegations agreed in keeping the provision, it has been retained in brackets for the time being.
- In para 1(h), different views were received on the final reference to “post-closure activities” and “post Commercial Production”. Comments are encouraged on this point.
- Participants are encouraged to express their preference on para 1(o) and 1(o)Alt.
- The language of para 2 appears to be unaligned with the rest of the Regulations. The reference to “unplanned abandonment of work” only appears in this provision, and it is unclear the difference with “Temporary Suspension”. Also the phrase “cases involving final mine closure” does not seem to reflect the content of the rest of the provisions on Closure Plan. It is suggested that para 2 might read “The level of detail *of* the Closure Plan or Final Closure is expected to differ between cases *of Temporary Suspension [of Exploitation activities] and those of [Closure]/[cessation of Commercial Production]*”.