Briefing note and guiding questions on the draft guidelines for the preparation of Environmental Management and Monitoring Plans

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Introduction

1. The draft guidelines for the preparation of Environmental Management and Monitoring Plans (hereinafter just the "draft Guidelines") are currently contained in document ISBA/27/C/6 and ISBA/27/C/6/Corr.1. In accordance with decision ISBA/31/C/34, the Legal and Technical Commission has been requested to prepare an updated and consolidated version of each of the standards and guidelines identified in table I of annex I to document ISBA/31/C/4/Add.2 – therefore including the draft Guidelines.

2. It is suggested that, for the purpose of the revision of the draft Guidelines, the Commission might benefit from an informal feedback from the group, especially as regards their scope and structure. Such feedback is not intended to replace any direction that the Council might give to the Commission, but just to give a preliminary idea of the comments that some delegations might be expected to make in Council.

3. To assist delegations in the preparation of comments – that can be made during the meeting of 13 November 2026, or submitted in writing by 15 November – the facilitator of the Informal Working Group on Closure Plan has prepared the present briefing note, accompanied by guiding questions.

4. Once comments from participants to the group are received, they will be used to prepare a short report to be published on the website of the Authority. The report will have the double purpose of informing the Council of the discussions that have taken place during the intersessional period, and – as mentioned – to provide the Commission with a preliminary feedback on the draft Guidelines.

5. While in the present briefing note the guiding questions mainly relate to the reference to closure in the draft Guidelines, during the meeting of 13 November delegations will have the possibility to address further aspects that they might want to raise, which will also be included in the report.

6. Below are set out the main aspects of the draft Guidelines that could be discussed, without prejudice to any additional comment that delegations might want to make.

The scope of the draft Guidelines

7. At the current stage, the scope of the draft Guidelines is limited to the preparation of the EMMP, and does not set out the relevant requirements for closure. Reference to the Closure Plan – and to the Guidelines for its preparation

– are made multiple times throughout the document. Annex III to the draft Guidelines (Environmental Monitoring and Management Plan (EMMP) review form) requires the Applicant to check if the EMMP includes "an overview of what the Closure Plan will entail (with the full details included in the separate document, the Closure Plan)".

8. As participants will recall, the current approach of the groups on EMMP and on Closure Plan – which have been working in close coordination – is to require the applicant to present only an EMMP at the time of the submission of the application. The EMMP will however include all relevant information about closure, and will be used by the contractor to develop, prior to the cessation of commercial production, a standalone Closure Plan.

9. As all relevant information about closure will now be contained in the EMMP, it can be questioned whether the scope of the draft Guidelines should be expanded to also include detailed directions on closure.

10. Another potential alternative might be to have all relevant requirement on closure in standalone Guidelines on Closure Plan, and require the applicant to comply with them consistent with the current text of Annex VII, paragraph 3 (according to which the information must be "commensurate with the stage of development of the project and the information reasonably available at the time of its preparation").

11. Participants are therefore invited to consider first and foremost the following question: should the relevant requirements on closure be included in the draft Guidelines on EMMP (**option (a)**), or should they remain in separate, standalone Guidelines on Closure Plan (**option (b)**)?

12. If participants favour **option (a)**, they are invited to consider the following questions:

(a.1) Should the draft Guidelines include a dedicated section on closure, or should closure-related requirements be incorporated into the relevant existing sections?

(a.2) Should the draft Guidelines distinguish between the closure-related information to be included in the EMMP submitted with the application and the additional information to be developed in the subsequent Closure Plan?

(a.3) Should the draft Guidelines specify the level of detail expected for closure-related information in the EMMP, taking into account the stage of development of the project and the information reasonably available at the time of its preparation?

(a.4) Should the draft Guidelines identify the additional information to be developed for the subsequent Closure Plan, and clarify the relationship between the requirements applicable to the EMMP and those applicable to the Closure Plan?

(a.5) Should the EMMP review form in Annex III be amended to reflect the inclusion of closure-related requirements in the EMMP?

13. If participants favour **option (b)**, they are invited to consider the following questions:

(b.1) Should separate Guidelines on Closure Plan be prepared to address the requirements applicable to the standalone Closure Plan developed prior to the cessation of commercial production, taking into account the closure-related information already included in the EMMP?

(b.2) Should the draft Guidelines on EMMP nevertheless provide guidance on the closure-related information to be included in the EMMP submitted with the application, or should they simply refer to the separate Guidelines on Closure Plan?

(b.3) Should the Guidelines on Closure Plan be considered as phase 2 of the work on standards and guidelines, rather than phase 3 as currently envisaged?

14. Participants are invited, if they deem it appropriate, to identify additional issues arising from either option and to provide their rationale.