

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<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: GERMANY**

Federal Republic of Germany

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

Draft Regulation 48

**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 48  
Environmental Management and Monitoring Plan**

1. ~~An~~ Each applicant for exploitation or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.

~~1-2.~~ ~~The purpose of a~~ An Environmental ~~Monitoring—~~and Management and Monitoring Plan ~~is to~~ shall manage and confirm that observed Environmental ~~impacts effects~~ meet the standards on environmental ~~fquality~~ objectives and ~~fenvironmental performance~~ standards for the mining operation. The plan ~~will contain any conditions included in~~ shall address any issues that arise from the Environmental Impact Statement and will set out commitments and procedures on how the environmental impacts of the mining operation will be monitored, how the ~~Mitigation—~~mitigation ~~measures~~, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented, how the effectiveness of such measures will be monitored, what the management responses will be to the monitoring results and what reporting systems will be adopted and followed.

Alt 1

~~1. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.~~

~~2. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.~~

[2] Alt 1

~~The purpose of an Environmental Monitoring and Management Plan is to manage and confirm that Environmental Effects impacts meet the environmental quality objectives and standards for the mining operation. The plan will contain any conditions included in the Environmental Impact Statement and will set out commitments and procedures on how the environmental Effects impacts of the mining operation will be monitored, how the mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented, how the effectiveness of such measures will be monitored, what the management responses will be to the monitoring results and what reporting systems will be adopted and followed.~~

3. The Environmental Management and Monitoring Plan shall ~~cover~~ include the main all aspects matters prescribed by the Authority in ~~a~~Annex VII to these regulations and shall be:

(a) Based on the ~~E~~environmental ~~impact~~Impact ~~assessment~~ Assessment and the Environmental Impact Statement;

(b) In accordance with the ~~relevant~~applicable regional environmental management plan, ~~if any~~; and

(c) Prepared in accordance with the applicable Standards Guidelines, Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, taking account of the applicable Guidelines; ~~and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.~~

(d) C~~e~~onsistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.

[3bis. An Applicant/–Contractor shall reflect in its Environmental Monitoring and Management Plan:

(a) Its methodology for maintaining compliance with the Standards and thresholds of the Authority developed in accordance with Regulations 45 and 94, and any thresholds set by the relevant Regional Environmental Management Plan;

(b) Any conditions included in the Council's environmental impact assessment decision ~~and will set out~~

(c) Commitments and procedures on how the Mitigation measures will be implemented,

(d) How the impacts of the operation as well as the effectiveness of mitigation measures will be monitored, in accordance with Regulation 46ter and the EMMP Standard;

(e) What the management responses will be to the monitoring results.]

[3ter. ~~F~~In addition to the Monitoring required to be performed by the Contractor, the EMMP shall contain a monitoring programme for at least the first seven years of Exploitation, to be conducted by independent experts and in compliance with the applicable Standards.]

4. The Contractor shall provide information in its annual report on the implementation of the Environmental Management and Monitoring Plan in accordance with regulations 38, paragraph 2(g), and 46ter, paragraph 3, for evaluation by the Legal and Technical Commission, as well as publicly release, in an accessible format, monitoring data and

information in real time or at monthly intervals, where available. Other monitoring data, for example pertaining to monitored variations in geochemistry or fauna, shall be released annually in the form of a written report.

5bis The Contractor shall allocate sufficient resources and assign roles and responsibilities to the implementation of the Environmental Monitoring and Management Plan in ~~proportion~~ relation to the relevant risks and impacts.

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

We support the amendments inserted by the Facilitator, if not indicated otherwise. In addition, we propose a few amendments, also in tracked changes. The current draft contains a stand alone regulation on monitoring (DR46ter), as already stated, we would query whether this is useful or whether this should rather be integrated into DR48. We agree with others that any detailed requirements for monitoring should be regulated in a standard (as also discussed under DR45) or alternatively in an Annex – preference for the former. The last part of Para 3c) was duplicated in 3d). The suggested addition under Para 3ter aims to clarify that independent monitoring should come in addition to the regular monitoring performed by the contractor throughout the operation and beyond.