

## 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 46 ter

**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 [48] [46 ter]**

**Environmental Management and Monitoring Plan**

1. Each applicant or Contractor for exploitation shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation and Annex VII.

2. The purpose of an Environmental Management and Monitoring Plan is to manage and confirm that observed Environmental Effects meet Standards on environmental quality objectives and environmental performance for the mining operation. The plan shall address any issues that arise from the Environmental Impact Statement and will set out commitments and procedures on how the eEnvironmental Effects of the mining operation will be monitored and mitigated, including on pollution control and Mining Discharge in Regulations 49 and 50.

3. The Environmental Management and Monitoring Plan shall include all elements and matters ~~[in the form and deliver the contents]~~ prescribed by the Authority in Annex VII to these regulations and shall:

(a) Be based on the Environmental Impact Assessment and the Environmental Impact Statement;

(b) Be prepared in accordance and consistent with the applicable Regional Environmental Management Plan, ~~[including any thresholds set out herein]~~

(c) Be prepared in accordance and consistent with the applicable Standards ~~[and thresholds of the Authority]~~ developed in accordance with Regulations 45 and 94 ~~[and taking account of the applicable Guidelines, as well as]~~ Good Industry Practice, Best Available Scientific ~~[information]~~ Evidence], -

Best Environmental Practices and Best Available Techniques, ~~[taking account of the applicable Guidelines.]~~

(d) Be prepared in accordance and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan;

(e) Incorporate site-specific environmental objectives and environmental performance standards, which are compatible with and designed to achieve the environmental policy and objectives of the Authority and applicable Standards;

(f) Incorporate measurement criteria, ~~[internal]~~ thresholds ~~[of the Authority defined in the applicable Standards]~~ and reflect its methodology to determine whether the environmental objectives are being met and that the operation is compliant with applicable environmental Standards and other Rules of the Authority,

(g) ~~[Reflect any conditions recommended]~~ ~~[incorporate any recommendations made]~~ by the Commission, and approved by the Council, in its consideration of the Environmental Impact Statement, including ~~[will set out]~~ commitments and procedures on;

- (i) how the environmental ~~[and archaeological]~~ impacts of the mining operation will be monitored in accordance with Regulation 46~~[bister.]~~ ~~[the EMMP Standard]~~ and the ~~[Environmental Management Plan]~~ applicable Monitoring Standard,
- (ii) how the Mitigation measures, including pollution control and Mining Discharge in regulations 49 and 50, will be implemented,
- (iii) how the effectiveness of such measures will be monitored,
- (iv) how Preservation Reference Zones and Impact Reference Zones, designated in accordance with Annex [Xter], will be ~~[respected]~~ ~~[utilised and implemented.]~~
- (v) what the management actions and responses will be to the monitoring results and new knowledge -
- (vi) what management and reporting systems will be adopted and followed, and;
- (vii) ~~[how]~~ continual improvement will be promoted, including by testing assumptions and predictions made in the Environmental Impact Statement, improving environmental knowledge, and reducing residual uncertainties remaining from the environmental impact assessment process.

3bis. ~~[The Contractor shall conduct monitoring for the entire duration of exploitation].~~ In addition to the Monitoring required to be performed by the Contractor, the Environmental Management and Monitoring Plan shall contain a supplementary monitoring programme for at least the first seven years of ~~[Exploitation]~~ **commercial production**~~[mining operations.]~~ to be conducted by independent experts and in compliance with the applicable Standards. The Contractor shall conduct monitoring for the entire duration of ~~[exploitation]~~ ~~[the mining operation]~~ and comply with any post-closure monitoring requirements ~~[according to Regulations 59-61 and the applicable Standard.]~~

4. The Contractor shall provide information ~~[in its annual report]~~ on the implementation of the Environmental Management and Monitoring Plan ~~[in its annual report]~~ in accordance with regulations 38, paragraph 2(g), and 46~~bister,~~ paragraph 4, for evaluation by the Legal and Technical Commission, as well as ~~[environmental data and information for]~~ publicly release, in an accessible format, consistent with Best Scientific Practices monitoring data and information at a regular basis ~~[to be determined in each project]~~ ~~[real-time or on a monthly basis].~~ ~~[Other monitoring data, for example pertaining to monitored variations in geochemistry or fauna, shall be released annually in the form of a written report.]~~

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

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

We support most amendments as proposed by the facilitator. We suggest that this regulation is moved prior to DR 46bis (Monitoring) as Monitoring is based on the EMMP. In Para 3, we suggest to replace “mining operations” with “commercial production”, in order to be clearer as to which point in time is meant.