

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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 59

Green text is in original draft; **Blue text** indicates Germany's textual proposal

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 59
Closure Plan**

[1. A Contractor shall develop a Closure Plan, in accordance with Regulation 7 (3) (i), Annex VIII to these regulations, ~~the Environmental Management System~~ and other Environmental Plans of the Contractor, as well as applicable Standards, also taking into consideration Guidelines and the relevant Regional Environmental Management Plan.

1.bisThe objectives of a Closure Plan are to ensure that:

- (a) The marine environment **is effectively protected and** will have a clear and healthy status following the end of mining activities.
- (b) The adverse effects arising from closure activities are avoided, ~~remedied,~~ or mitigated.
- (c) Any remaining environmental effects continue to be monitored and reported for a period prescribed in the closure plan,
- (d) The mined site is returned to its natural state, or returned to its natural state to the extent possible, through rehabilitation and restoration,
- (e) The closure of mining activities is a process that is incorporated into the mining life cycle,
- (f) Contractors take appropriate steps to minimise harm to the environment and to human health during any period of temporary suspension.

[...]

2bis. The Contractor shall ~~take steps to promote~~ensure transparency during the Closure process and consult Stakeholders in the Closure Plan design, review, and implementation.

1. The Closure Plan shall cover the aspects prescribed by the Authority in annex VIII to these regulations and in accordance with the relevant Standards and taking into account the relevant guidelines.

2. A contractor shall maintain and update its Closure Plan in accordance with these regulations, and Good Industry Practice, Best Environmental Practices, Best Available Techniques, Best Available Scientific Information and the Standards and taking account of the relevant Guidelines.

3. The Closure Plan shall be reviewed and updated taking into account the results obtained from monitoring closure activities;

a) Each time there is a Material Change in a Plan of Work, including new knowledge, technologies, devices and new scientific findings, change of contractor or sponsoring State,

b) Every five years, when no Material Change has required an earlier update, and

⇒c) In the five years preceding the planned end of the period of Exploitation, the Closure Plan shall be updated [annually] [every 2 years] [every 3 years] [in the third and fifth year] [in the year before closure] and finalized in accordance with Regulation 60 (1).]

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

Paragraph 1 may need editorial revision. Otherwise we support the facilitators' suggestions at this stage, with some minor additions.