

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

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. ~~The purpose of a~~An Environmental Monitoring and Management Plan ~~is to~~shall manage and confirm that Environmental ~~Effects~~ impacts meet the environmental quality objectives and ~~standards~~ 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 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.~~
2. An applicant or Contractor, as the case may be, shall prepare an Environmental Management and Monitoring Plan in accordance with this regulation.
3. The Environmental Management and Monitoring Plan shall ~~cover~~ include the ~~main aspects~~content prescribed by the Authority in ~~annex~~ Annex VII to these regulations and shall be:
 - (a) Based on the environmental impact assessment and the Environmental Impact Statement;

(b) In accordance with [the Authority's policies and objectives cited in regulation 2, as well as](#) the relevant regional environmental management plan; and

(c) Prepared in accordance with the [EMMP Standard and applicable Guidelines](#), Good Industry Practice, Best Available Scientific Evidence, [Best Environmental Practices](#) and Best Available Techniques, and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.

[3bis. A 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. 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.](#)

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

We support most amendments by the Facilitator (in blue). In addition, we suggest a few amendments (red), aiming to include clear requirements so that in the EMMP, Contractors respond to any impacts predicted by the EIS, through management, mitigation and monitoring measures. Para 3ter aims to set a minimum time span for independent monitoring, as argued by several states. This can either be introduced here or in DR 46ter.