

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup>  
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:**

Pew Charitable Trusts

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

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**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.**

The objectives of a Closure Plan are to ensure that:

2. (a) The closure of mining activities is a process that is incorporated into the mining life cycle, including by scheduling studies to inform Closure throughout the period of Exploitation, and is conducted in accordance with Good Industry Practice, Best Environmental Practices, ~~and~~ Best Available Techniques and Best Available Scientific Evidence;

(b) At the date of cessation or suspension of mining activities, a management and monitoring plan is in place for the period prescribed in a Closure Plan in accordance with the relevant Standard;

~~(d) The necessary~~ Any new health and safety issues arising from Closure activities are identified and managed requirements are complied with;

~~(e) Any residual negative~~ Environmental Effects are continue to be identified and quantified and reported to the Authority, and management responses are considered implemented, including plans for further Mitigation or remediation where appropriate;

(f) The Contractor makes and is required to fulfill ~~Any~~ restoration or rehabilitation commitments ~~will be fulfilled in accordance with predetermined criteria or standards; and~~

(g) The mining activities are closed or suspended efficiently and cost- effectively; and.

(h) The Contractor monitors the Contract Area and collects data that informs the Authority about recovery, or lack thereof, of the Contract Area over the period of time required by the Closure Plan and as provided by the relevant Standard, taking account of any Guidelines.

3. The Closure Plan shall cover the ~~main~~ aspects prescribed by the Authority in annex VIII to these regulations, and shall adhere to the relevant Standard.

4. A Contractor shall maintain the currency and adequacy of its Closure Plan in accordance with Good Industry Practice, Best Environmental Practices, Best Available Techniques, Best Available Scientific Evidence and the relevant Standards, taking account of Guidelines.

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

To ensure shared understanding and consistency of application, Pew would like to suggest the introduction of 'Closure' and 'Decommissioning' as defined terms in the Regulations e.g. which could read as follows:

- "**Closure**" means activities undertaken at a particular site once commercial production has ceased, and includes: Decommissioning, post-mining monitoring and reporting, and any rehabilitation and restoration or compensatory measures that may be agreed.
- "**Decommissioning**" means measures taken, whether onshore or offshore, to permanently cease the operations, remove, or dispose of structures, facilities, Installations, and other equipment erected or used for the purposes of activities undertaken pursuant to an exploitation contract, in connection with the abandonment or cessation or partial cessation of those activities in a Contract area or part of a Contract area.

Regarding para 2, subparagraph f - here the provision states that the objective of a closure plan is to ensure that 'any restoration or rehabilitation commitments will be fulfilled'. We believe this drafting is confusing. Our understanding is that the Closure Plan is the place where restoration or rehabilitation commitments would be set, if these in fact are feasible, scientifically supported options [as previously mentioned by DOSI]. It is also unclear in this subparagraph what the wording: 'predetermined criteria or standards' refers to.

We believe that a Standard on Closure Plan is needed.