

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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:

Federal Republic of Germany

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

Draft Regulation 59

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- that shall, in accordance with regulation 7 (3) (i) and applicable environmental standards, sets out the responsibilities and actions of a Contractor for the decommissioning and closure of activities in a Mining Area, including the post-closure management and monitoring of residual Environmental Effects, in accordance with the applicable Standard. Closure also includes a temporary suspension of mining activities.
2. The objectives of a Closure Plan are to ensure that:
 - (a) The closure of mining activities is a process that is incorporated into the mining life cycle, including by undertaking activities and the scheduling of studies, based on available baseline data, to inform about Closure before and throughout the period of Exploitation and is conducted in accordance with Good Best Industry Practice, Best Environmental Practices, Best Available Techniques and Best Available Scientific Evidence;
 - (b) At the date of cessation or suspension of mining activities must be set, at which point a management and monitoring plan must also be is in place for the period prescribed in a Closure Plan and in accordance with the relevant Standards and taking into account the relevant guidelines and results obtained in previous monitoring activities;
 - (c) The risks relating to residual Environmental Effects are identified, quantified, assessed and managed in accordance with best available technologies, which includes the gathering of information relevant to closure or suspension; (d) Any All health and safety issues arising from requirements related to closure activities are identified, implemented, duly managed and complied with; Alt (d) The necessary health and safety requirements related to closure activities are complied with;
 - (e) Any residual Environmental Effects continue to be monitored, identified, quantified and reported to the Authority, including data to inform about recovery or lack thereof, over a period established in the closure plan, and management responses are implemented in a timely manner, including plans for further Mitigation, or remediation where appropriate, The collected monitoring data shall inform the Authority about the recovery, or lack thereof, over a time period

required by the Closure Plan, in accordance with the applicable Standard and taking into account relevant guidelines;

(f) Any necessary Required cleaning, restoration and ~~or~~ rehabilitation commitments are made and shall ~~will~~ be fulfilled by the contractor in accordance with the relevant Standards and taking into account the relevant Guidelines, ~~predetermined criteria or standards by the Contractor;~~

~~(f) Any restoration or rehabilitation commitments will be fulfilled in accordance with predetermined criteria or standards;~~

(f)bis Requirements regarding the removal of any Installations and ~~its parts and~~ equipment, as well as parts therefrom, from the Mining Area, including the explicit prohibition on any kind of waste abandonment, are addressed; and

~~(g) The mining activities are closed or suspended efficiently and safely.~~

2bis. The Contractor shall ensure ~~Transparency~~ transparency shall be guaranteed during the Closure process and ~~relevant stakeholders~~ Stakeholders shall be consulted in the Closure Plan design.

3. 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.

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 and, taking account of the relevant Guidelines.

5. In the five years preceding the planned end of the period of Exploitation, the Closure Plan shall be updated annually and be finalized in accordance with regulation 60(1). Otherwise, ~~the~~ Closure Plan shall be reviewed and updated taking into account the results obtained from monitoring post-closure activities and 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, ~~or also~~, in cases where no such Material Change has occurred and no monitoring data and information or improved knowledge or technology has signalled a need for updates, every five years and at the end of the project and be finalized in accordance with regulation 60 (1).

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

We await the results of the intersessional work on this DR and look forward to further discussion. Some initial proposals in text.