

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

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**

~~s1 An Environmental Monitoring and Management and Monitoring Plan shall manage and confirm that the Environmental impacts eEffects meet the environmental quality objectives and environmental and archaeological performance standards for the mining operation] impacts of mining operation accordingly to the environmental standards in this regulation: effects meet the environmental [quality] objectives and [environmental performance] 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.~~

~~1. Each applicant or Contractor for exploitation, as the case may be, 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 be:~~

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

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

(c) ~~Be prepared in accordance and be consistent with the applicable Standards Guidelines and thresholds of the Authority developed in accordance with Regulations 45 and 94, Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, taking account of the applicable Guidelines;~~

(d) ~~Be prepared in accordance and be 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 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 46ter, the EMMP Standard and the Environmental Management Plan 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,~~

(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. ~~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 the 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 operations and comply with any post-closure monitoring requirements, according to Regulation XX 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 46ter, paragraph 43, for evaluation by the Legal and Technical Commission, ~~as well as publicly release, in an accessible format, consistent with Best Scientific Practices monitoring data and information at monthly intervals at on 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 the 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]**

This Reg may need to be merged with DR46ter.