

ISA 29th Session, Part II – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 61 - Post-closure monitoring

As a general comment, Germany suggests renaming this regulation as “Monitoring pursuant to Closure Plans”. This would capture what this regulation deals with more accurately.

On para 1, we support annual, or at most, bi-annual reporting requirements. We prefer the framing here over para 1 alt. We are supportive of retaining para 1 bis, but we are open to where to place this.

In 1 bis (b), we would not see this wording appropriate here, however may want to rephrase the para “to accompany and document the restoration and rehabilitation” instead of “implement..”

We can agree with para 2 including the edits proposed, although we recognize that the Contractor is under this obligation anyway. Nevertheless, it is helpful to stress that monitoring must continue until all the objectives under the Closure Plan are met, even if it may take longer than any timelines that might have been anticipated therein.

In addition, we are supportive of para 2 bis. Monitoring data should be made publicly accessible.

On paragraph 3, we note that there does not seem to be a requirement for the Contractor’s report to be made public. Therefore, we suggest the last para be amended as follows: “*Such report shall be reviewed by the Commission at its next meeting, provided that it has been **published on the website of the Authority** at least 30 Days in advance of the meeting.*”

We also query if there is a step missing between para 3 and para 3 bis, which is to provide an opportunity for public comments. In our view, this is an important step as Contractors must be held accountable and answerable before they are released from their obligations under the Contract, and allowing independent experts to provide their input into the process would put the LTC in a more informed position to make a recommendation.