

Closing and Removal of mining works

The Mining Act and Mining Decree distinguish between:

- A. the decommissioning of mining works onshore
- B. decommissioning and removal of mining installations offshore

For the closure plan as well as for the removal of a mining work or installation a plan has to be submitted to the Ministry of Economic Affairs for approval.

The process of *closure* will be terminated when it has been demonstrated that the location has been restored in its original condition or when the location has been returned to the owner otherwise.

The process of *removal* will be terminated by the official (written) announcement of actual removal of the structure by the operating company.

A. Rules on the decommissioning of mining works

Article 39 and 40 of the Mining Decree concerns the terms and requirements of the plan for closure

Article 40

1. The plan for closure shall contain at least:
 - a. a description of the way in which the material belonging to the mining works will be removed;
 - b. a description of the waste substances present at the mining works and their intended purpose;
 - c. a description of the measures to be taken to prevent damage;
 - d. a description of the measures to be taken to return the site on which the mining work is erected to its original state as much as possible;
 - e. in so far as Article 40.1.d is not possible: a description of the state in which the mining works is left behind and, where applicable, its intended purpose;
 - f. the time when the described activities will commence and when these are completed, and
 - g. the planned time of closure.
2. As soon as the operator has decommissioned a mining works, either in whole or in part, he shall notify the Inspecteur-Generaal der Mijnen thereof.
3. Further rules may be set by ministerial regulation concerning the plan for closure.

B. Decommissioning and removal of mining installations that project above surface waters (offshore)

Article 60 and 61 of the Mining Decree concern the terms and requirements for the removal plan.

Article 61

1. The removal plan shall contain at least a description of:
 - a. the way in which removal of the mining installation and of scrap and other material as referred to in Article 44.2 of the Mijnbouwwet is to take place;
 - b. the way in which it will be shown that the position where the mining installation stood on the seabed is free from scrap and other material;
 - c. the way in which the mining installation and the scrap and other material will be removed;

- d. the ultimate destination of the mining installation, its components and scrap and other material, and
 - e. the waste and other substances present on the mining installation and their ultimate destination.
2. Furthermore, the removal plan shall contain details of the times when the elements of the plan referred to in Articles 61.a up to and including Article 61.e will be carried out.
 3. Further rules concerning the removal plan may be set by ministerial regulation.

The '*Arbeidsomstandighedenwet- en regelgeving*' is also applicable on the process of decommissioning. Article 3.8.1 of the '*Arbeidsomstandighedenregeling*' requires an addendum on the health and safety document, to be deposited at the State Supervision of Mines (SodM).

During the Closing and removal operations SodM will carry out inspections on relevant aspects.

Information

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