

## GERMANY

Agenda Item 11 : Draft regulations for exploitation of mineral resources in the Area; Part II Section 1; Part II Section 2 and Part II Section 3

Madame President, with regard to Part II, Section 1 of the Draft Regulations, please allow me the following brief comments:

In relation to Draft Regulation 5, Germany would like to suggest including an obligation for contractors to provide references showing the applicant's ability to comply with the environmental policies and objectives of the Authority.

In relation to Draft Regulation 7, Germany reiterates that licensed and successfully conducted test mining should be made a legal prerequisite for any application for exploitation in the geographical area concerned, as well as a requirement for the approval of a plan of work. Provisions to this effect should be included in the draft regulations. The conditions, requirements and procedures under which test mining is to be conducted, such as the environmental impact assessment requirement, monitoring requirements, disclosure of scientific results and certification of equipment, should be regulated under a separate set of regulations, for example, in a dedicated part of the regulations on exploitation. We are raising this issue in relation to Draft Regulation 7, as we consider that information on successful mining test should accompany the Plan of Work of any given application for approval. With regard to the same draft regulation, we would like to propose that the application for a Plan of Work should be accompanied by a social impact statement.

Thank you, Madame President.

Madame President, with regard to Part II, Section 2 of the Draft Regulations, we have the following comments:

In relation to Draft Regulation 11, we would like to suggest that not only the environmental plans be placed on the ISA website according to para. 1 letter a), but also any kind of additional information necessary for the assessment of these. This would not only facilitate states' and stakeholders' comments, but also reiterate and illustrate the ISA's pledge to transparency in environmental matters.

Furthermore, and in particular in relation to Draft Regulation 11 para. 5, we would like to briefly refer to the Statement made by the delegation from Belgium yesterday and their proposal advocating the use of independent expertise by the LTC in the approval process. We regard this as a crucial issue and support the objectives of the Belgium proposal. We look forward to having an interesting discussion in this respect which we expect to probably take place on Thursday morning under Agenda Item 12.

Madame President, with regard to Part II, Section 3 of the Draft Regulations, please allow me the following comments:

In relation to Draft Regulation 13, it is presently unclear to us how the results from the consultation process according to Draft Regulation 11 para. 1 letter a) will be taken into consideration in the LTC's assessment of applicants. Germany would appreciate clarification in this respect. Draft Regulation 13 could also, in Germany's view, be split in two regulations with one concentrating on the assessment of

"applicants", and the other one focussing on the assessment of "applications". In assessing the applications, it is - in our view - also necessary for the LTC to assess possible cumulative effects. This could for example be reflected in paragraph 4 letter e) of Draft Regulation 13.