

GERMANY

Part III, Sections 2 - 9

Madame President, thank you for giving me the floor. Good morning, colleagues.

In addition to the statement we have delivered in relation to Part III, Section 1, please allow me the following comments in relation to the remaining Sections of this Part.

With regard to Draft Regulation 25: Before commencement of commercial production, in particular the environmental plans should have to be revised by the contractor. Thereafter, the revised parts should be considered by the Commission and finally approved by the Council. In case of substantial changes, it may be worth considering to involve the public in this approval procedure.

We consider it essential that the important question about material change does not lie solely within the competence of the Secretary General, but that also the Council is involved. Even though this process will be regulated under DR 57, this may also be reflected here under Draft Regulation 25, paragraph 6.

Like other parties, we have noted that the former Draft Regulation 31 has been deleted, which was inter alia related to the avoidance of inefficient mining practices and to the minimization of the generation of wastes in the conduct of exploitation, in accordance with good industry practice. We see benefit in reinserting at least part 1 of this former regulation.

In relation to Draft Regulation 31, we suggest to include a reference in its paragraph 1 to the applicable REMP. Our reasoning is that the analysis and spatial planning of potential mining with regard to other uses of the ocean eventually is one of the core objectives of REMPs.

Apart from ensuring that no damage is caused to submarine cables, as stipulated at the very end of the first paragraph of Draft Regulation 31, it should be similarly reflected that the Contractor should also exercise due regard with regard to long-standing scientific research and established fishing areas.

A remaining question in a number of regulations across the text, including DR 32 and 37, is whether the distinction between obligations of the Authority and complementary or residual obligations of national authorities is clear and consistent. There are also open questions relating to the resources, personnel and finances of the Authority in this regard.

With regard to Draft Regulation 36, and as has been raised by several delegations under Part I, we question whether the term "best endeavours" provides a sufficiently clear and enforceable requirement to Contractors.

In relation to Draft Regulation 38, we reiterate our proposal to include a new paragraph 3, in order to illustrate how the information from annual reports will be used. There is a need that the submitted information is dealt with in a way that the existing knowledge gaps are stepwise overcome. The Secretariat should in our view be required to arrange for a reasonable long-term management of this information.

Thank you, Madame President.