

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART I**

Informal Working Group – Institutional Matters

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. Name(s) of Delegation(s) making the proposal:

Germany

2. Please indicate the relevant provision to which the textual proposal refers.

Regulation 3

3. Kindly provide the proposed amendments to the regulation 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.

(a) Alt 1. Members of the Authority, the Enterprise, the Applicant and Contractors shall cooperate with the Authority to provide such data and information necessary for the Authority to discharge its duties and responsibilities under the Convention;

(g) In order to assist the Authority in carrying out its policy and duties under section 7 of the annex to the Agreement, Contractors shall ~~use their best endeavours~~, upon the request of the Secretary-General, ~~to~~ provide or facilitate access to such information as is reasonably required by the Secretary-General to prepare studies of the potential impact of Exploitation in the Area on the economies of developing land-based producers of those Minerals which are likely to be most seriously affected. The content of any such studies shall take account of the relevant Guidelines.

(h) The Council shall, taking into account recommendations by the Commission, adopt Guidelines or Standards concerning the duties mentioned in paras. (c) to (f) which establish requirements, obligations and procedural arrangements within three years after the adoption of these regulations.

4. Please indicate the rationale for the proposal. [150 word limit]

The duty mentioned in subparagraph (g) should be enforceable. A “best endeavours”-provision does not seem justified. GER would like to stress that Draft Reg 3 is an essentially important provision with regard to institutional matters. In order to really clarify the role and competences of the various organs and actors in

the ISA context some terms such as “members of the Authority” or “Authority” need to be either defined or it need to be made specific which organ of the Authority is in charge.