

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> 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](mailto: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 11

**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.**

1.The Secretary-General shall, within 7 Days after determining that an application for the approval of a Plan of Work is complete under regulation 10:

(a) Place the Environmental Plans [and any information necessary for their assessment as well as the non-confidential parts of the test mining study](#) on the Authority’s website for a period of 60 Days, and invite members of the Authority and Stakeholders to submit comments in writing taking account of the relevant Guidelines; and

(b) Request the Commission to provide its comments on the Environmental Plans [and the test mining study, prepared in accordance with Regulation \[48bis\] Paragraph 2 or 3, as applicable, and Annex \[IVter\]](#) within the comment period. [Confidential information pursuant to Regulation 89 contained in the test mining study shall not be made publicly available](#)

2.The Secretary-General shall within 7 days following the close of the comment period, provide the comments submitted by members of the Authority, Stakeholders, the Commission and any comments by the Secretary-General to the applicant for its consideration. The applicant shall consider the comments and may revise the Environmental Plans [and the Test Mining Study](#) or provide responses in reply to the comments and shall submit any revised plans or responses within a period of 30 Days following the close of the comment period. [All comments shall be published on the ISA Website.](#)

3. The Commission shall, as part of its examination of an application under regulation 12 and assessment of applicants under regulation 13, examine the Environmental Plans or revised plans [and the Test Mining Study](#) in the light of the comments made under paragraph 2 above, together with any responses by the applicant, and any additional information provided by the Secretary-General.

4. Notwithstanding the provisions of regulation 12 (2), the Commission shall not consider an application for approval of a Plan of Work until the Environmental Plans [and the Test Mining Study](#) have been published and reviewed in accordance with this regulation.

5. The Commission shall prepare a report on the Environmental Plans [and the Test Mining Study](#). The report shall include details of the Commission's determination under regulation 13(4)(e) as well as a summary of the comments or responses made under regulation 11(2). The report shall also include any amendments or modifications to the Environmental Plans recommended by the Commission under regulation 14. Such report on the Environmental Plans or revised plans shall be published on the Authority's website and shall be included as part of the reports and recommendations to the Council pursuant to regulation 15.

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

According to Draft Regulation 11, only the environmental plans are to be placed on the Authority's website. However, it needs to be ensured that general information on the project – in particular with regard to the exploitation techniques – is made accessible so that the public is in a position to comment on the environmental plans. In this respect, it is important that the requirements of the EIS with regard to the provision of information on, inter alia, project viability, mineral resource, and mining technology are sufficiently clear (Annex IV, paras. 1 and 3).

We support the establishment of a mandatory mechanism for independent review of environmental plans and performance assessments under the Draft Regulation 11. We hold the view that a mechanism based on expertise, independence and transparency supports well-informed decision-making and contains advantages in comparison to external input on an ad-hoc basis.