

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART II**

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

**1. Name of Working Group:**

Environment

**2. Name(s) of Delegation(s) making the proposal:**

Federal Republic of Germany

**3. Please indicate the relevant provision to which the textual proposal refers.**

DR 56

**Green text** is in original draft; **blue text** indicates Germany's textual proposals

**4. Kindly provide the proposed amendments to the regulation or standard or guideline 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.**

**Regulation 56  
Funding of the Environmental Compensation Fund**

In adherence to the [~~precautionary~~] polluter-pays principle the Fund will consist of, but not be limited to, the following monies:

(a) The prescribed percentage or amount of fees paid [~~after approval of a plan of work and~~] prior to the commencement of ~~activities in the Area under an Exploitation Contract~~ ~~mining~~ by Contractors or the Enterprise to the Authority;

[(a) alt. The requirements and modalities governing contributions to the Fund in accordance with regulation 56, including the establishment of the minimum size of the fund, and the modalities for replenishment of the fund upon disbursement.]

(b) The prescribed percentage of any penalties paid by Contractors or the Enterprise to the Authority;

(c) The prescribed percentage of any amounts recovered by the Authority by negotiation or as a result of legal proceedings in respect of a violation of the terms of an exploitation contract;

[(c)alt. Establishment of rules, guidelines and modalities for determining entities eligible to access the Fund, which may include states and private entities that have suffered damages.]

**5. Please indicate the rationale for the proposal. [150-word limit]**

- Para (a): It is unclear whether the formulation “prior to the commencement of mining” includes test mining or exploration work under an exploitation contract, hence we suggest less ambiguous wording.
- Para (a)alt and (c) alt have merit but should be copied into DR 54. They appear out of place here.