

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART I**

*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:**

Institutional Matters

**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 5

**Red 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 5 [IWG IM]**

**Qualified applicants**

3. Each application by an entity referred to in regulation 5(1)(b) shall also contain, together with the necessary documentation as supporting evidence:

...

**(b bis) All information necessary on the Contractor's principals to allow the Authority to determine their track record in accordance with Regulation 77(4).**

...

**(e) All information necessary to demonstrate that the Contractor will, throughout the term of their contract, for the purposes of Exploitation and ancillary activities, only use vessels flagged to registries of States that are Members of the Authority, and only use ports located in States that are Members of the Authority, except where non-Member States accept to be bound by the Rules of the Authority relating to compliance and enforcement, to ensure the Authority can rely upon and require the cooperation of those States for the purpose of securing compliance with the Rules of the Authority.**

...

6. The Authority shall not accept the application if the sponsoring State or States has not enacted ~~a mining law~~ **legislation about [on] [pertaining to]**

activities in the Area that complies with the standards requirements referred to in Regulation 105.

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

- New para 3(b bis): Germany suggests a cross-reference to Regulation 77(4) which specifies that company principals involved in serious, persistent, and willful violation of any payment obligation to the ISA shall be barred from involvement with any ISA Contractor.
- New para 3(e): Germany proposes a new paragraph that requires Contractors only to use vessels flagged to registries of ISA member States, and only to use ports in countries that are ISA Members, for the purposes of their Exploitation and associated activities. We consider this essential to ensure these regulations will be applicable to the relevant flag and port States, which ensures a comprehensive inspection and enforcement regime, whereby the ISA can rely upon (and require) the assistance, cooperation and support of States where domestic investigation or enforcement may be required. For example, this will ensure that ISA inspectors will be permitted onboard the relevant mining vessels and that some inspections may occur in port, which can save costs. Moreover, this proposal would go beyond inspection and also play a critical role in terms of ensuring compliance and enforcement. Germany has suggested similar changes to DR 13 and 18bis.
- Para 6: Germany supports the proposed edits in this paragraph, as it requires member states to first ensure that they have adequate domestic legislation in place before they are eligible to sponsor any application to conduct Exploitation activities, which is a responsibility and obligation that is anticipated under UNCLOS and the 2011 Advisory Opinion. This para makes it a precondition that sponsoring states must have enacted national legislation prior to being eligible to sponsor any application. In other words, an applicant that seeks sponsorship from a member state that has not enacted such national legislation is not a qualified applicant.