

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.

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 6

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 6 [IWG IM]

Certificate of sponsorship

3. Each certificate of sponsorship shall be duly signed on behalf of the State by which it is submitted, and shall contain:

...

(d) A statement by the sponsoring State that it sponsors the applicant;

~~(d) bis. A copy or description together with a description~~ of the necessary and appropriate measures taken by the State to secure effective compliance pursuant to article 139(2) of the Convention, and to ensure legal recourse for compensation in accordance with article 235 (2) of the Convention.

[(e) The date of deposit by the sponsoring State of its instrument of ratification of, or accession or succession to, the Convention, and the date on which it consented to be bound by the Agreement; and]

[(f) A declaration that the sponsoring State assumes responsibility in accordance with articles 139 and 153 (4) of the Convention and article 4 (4) of annex III to the Convention]

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

- Para (d)bis: Germany acknowledges the suggestion to move this paragraph to Regulation 7. However, we are a little hesitant about this move as it might negate the intention sought to

be captured by this provision. Regulation 7 applies to the form of every application for the approval of a plan of work, which a potential applicant is required to prepare and submit. We do not think it is appropriate for a potential applicant to be the one to describe all the “necessary and appropriate measures taken by the State to secure effective compliance pursuant to article 139(2) of the Convention, and to ensure legal recourse for compensation in accordance with article 235 (2) of the Convention”. Rather, it seems more appropriate that it should be the sponsoring state that provides such a description of the measures that it has taken to this end. In line with Germany’s proposal in regulation 5, paragraph 6, only sponsoring states that have enacted legislation that applies to activities in the Area can be eligible to sponsor any application for Exploitation. The obligations of sponsoring states under UNCLOS, and as confirmed under the 2011 Advisory Opinion, must be fulfilled. Finally, this para 3(d)bis can be merged into para (d) using the phrase “together with”.

- Paras 3(e) and (f): Germany supports retaining these provisions in order to be consistent with the Exploration regulations.