

**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 7

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 7 [IWG IM]

Form of applications and information to accompany a Plan of Work

2. ...

(c bis) Provide the Authority with written undertakings from parent or holding companies of the applicant, if any, to assume joint and several liability for damages to the Authority in the event of liability having been established against the applicant in carrying out of the plan of work.

3. An application shall be prepared in accordance with these regulations and applicable Standards, taking into account applicable Guidelines, and ~~[alt 1. In accordance with] [alt 2. on the basis of][alt 3. in line with] [alt 4. taking account of] [alt 5. taking into account] [alt 6. consistent with]~~ the respective Regional Environmental Management Plan

[3alt. An application shall be prepared taking into account these regulations, the applicable Standards and Guidelines, as well as the respective Regional Environmental Management Plans.]

3. bis. An application shall contain sufficient information to demonstrate that the applicant has ~~or will have~~ access to the necessary financial and technical capability and resources to carry out the proposed Plan of Work, and shall be accompanied by the following

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

- New para 2(c)bis: Germany supports the inclusion of this para as we believe the Authority should actively secure additional security by requiring written assurances or undertakings from parent or holding companies to assume liability in cases where the applicant is a subsidiary company.
- Para 3: Germany suggests that all the alternative suggestions that have been made be deleted and that all applications shall be prepared “in accordance with” the regulations, Standards, Guidelines and applicable REMP. Alternatively, if there is no agreement on this, Germany proposes that an alt formulation is used (see paragraph 3alt above), whereby all applications shall be prepared by an applicant “taking into account” all of the above. In our view, it is not necessary to enter into a classification or hierarchy exercise of instruments for the purposes of this provision.
- As for para 3bis, Germany proposes deleting the phrase “or will have”. We believe the original phrasing of “has access to” is more apt in this context to protect the interests of the Authority and its member states. In any case, such wording would capture the circumstances of most, if not all, applicants that are serious about Exploitation activities. Moreover, the original phrasing only requires applicants to have access to the financial resources, and not to already have those resources.