

**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 11

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 11 [IWG IM]

~~Publication and review of the Environmental Plans [and Environmental Management Systems]~~

[Alt. [Publication, notification, and review of the Application]]

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

(a) **Taking into account the confidentiality of the data, place** ~~{alt 1. the Environmental Plans and any information necessary for their assessment}~~ **[alt 2. the application and all non-confidential documentation submitted and associated with it, including any supporting material] [alt 3. the Plan of Work and the accompanying plans and information]** ~~[as well as the non-confidential parts of the test mining study]~~ on the Authority's website for a period of ~~60~~ 90 Days, and notify and invite members of the Authority, **[relevant]** adjacent coastal States, **[and any other States adjacent to the Exploitation Area when they are potentially the most affected States]**, Stakeholders, **[and the general public]** to submit comments in writing **within 90 days, in accordance with the relevant Standards and** taking account of the relevant Guidelines.

~~{(b) Request the Commission to provide its comments on the Environmental Plans [and the non-confidential parts of the test mining study] within the 90 Day comment period.}~~

{(c) [Based on the assessment of the Commission, if necessary,] Establish an independent review team, making use of the roster of competent independent

experts, if any, to provide comments on the Environmental Plans within the comment period.†

2. The Secretary-General shall, within seven Days following the closure of the comment period pursuant to paragraph 1, provide all submissions received, ~~from members of the Authority, relevant adjacent coastal States, Stakeholders, the general public, the Commission,~~ and any comments from [the independent review team and] the Secretary-General to the applicant ~~for its consideration~~ and publish all submissions and comments provided on the website of the Authority.

2 bis. The applicant shall consider the comments provided pursuant to paragraph ~~(2)~~ (1) and ~~may~~ shall, as appropriate, revise the ~~{alt 1. Environmental Plans}~~ [alt 2. application] [alt 3. Plan of Work and the accompanying plans and information] or provide responses ~~in reply~~ to the [relevant and][substantive] comments, ~~as to how they were taken into account and {shall}{may}~~ submit any ~~revised plans~~ revisions and responses to the [alt 1. Secretary-General] [alt 2. Commission]

...[alt. continuation of 2 bis ...[within a period of 30 Days following the close of the comment period ~~unless otherwise decided or such longer period as determined~~ by the Secretary-General ~~after considering~~ [alt 1. following a request by the applicant][alt 2. after consulting with the applicant] ~~before the initial time period [of 30 days] expires~~ for an extension of the period due to the time required ~~[alt. on the basis that it requires more time]~~ to revise the plans or responses. Notice of the extension of the period shall be posted on the Authority's website.]

2 ter. The Secretary-General shall provide comments submitted pursuant to paragraph (1), and any revisions and responses to comments submitted pursuant to paragraph (2 bis), to the Commission.

...

4. Notwithstanding the provisions of regulation 12(2), the Commission shall not consider an application for approval of a Plan of Work until the ~~{alt 1. Environmental Plans have}~~ [alt 2. application has] [alt 3. Plan of Work and the accompanying plans and information have] been published and if necessary, revised in accordance with this regulation.

5. The Commission shall prepare a report on the ~~{alt 1. Environmental Plans}~~ [alt 2. application] [alt 3. Plan of Work and the accompanying plans and information], which 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. The report shall include:

...

(d) any amendments or modifications to the ~~{alt 1. Environmental Plans}~~ [alt 2. application] [alt 3. Plan of Work] recommended by the Commission under regulation 14 [and changes subsequently made to application documents by the applicant];

...

~~{6. In preparing its report under paragraph (5), the Commission shall [alt. may] seek advice from competent independent experts as necessary. In such case, the Commission shall clarify the necessity of advice from experts and seek prior approval of the Council. The experts shall be selected and appointed in accordance with relevant Guidelines [alt. Annex [tbc]].}~~

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

- Germany supports the alternative title, which better captures the content of the provision on the whole application rather than merely on the Environmental Plans.
- Paragraph 1(a): Germany supports either ALT.2 or ALT.3 to ensure that the entire application (except confidential aspects) should be subject to public consultation, rather than only the Environmental Plans. For example, information about the identity of the applicant, questions around effective control, the track record of previous compliance, or the training plan are all aspects that fall within the interest of the public. Germany does not support ALT.1 in paragraph 1. The same applies for paragraphs 2.bis, 4, and 5.
- Paragraph 1(b): Germany supports deletion of para 1(b) as the Commission will receive the application, together with stakeholder feedback from the consultation phase, once the consultation phase has concluded, to ensure the Commission can assess the application while taking into account stakeholder comments. It is therefore superfluous for the Commission to also review the application during the stakeholder consultation phase.
- Para 1(c): Germany supports the idea of using independent experts to help review an application.
- Para 2: Germany supports the proposed changes, which streamline the text.
- Paragraphs 6: Germany supports the retention of paragraph 6, which offers suitable options to the Commission.