

**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 12

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 12 [IWG IM]

General Rules for considering applications

...

~~1 ter.~~ The Commission may defer consideration of an application to a subsequent meeting ~~[alt. suspend further consideration of such application and resume consideration at its subsequent meeting] if it considers the application to be overly complex if the complexity of the applications so requires.]~~

2. The Commission shall consider applications expeditiously and shall **endeavour to** submit its reports and recommendations to the Council no later than ~~[alt 1. 120] [alt 2. 180]~~**[alt 3. 275]** Days from whichever date occurs later out of:

(a) the close of the comment period, in accordance with Regulation 11(1)(a),
or

(b) the date of submission of a revised plan, in accordance with Regulation 11(2 bis), **or**

(c) the date the Commission receives additional information or amendments to the Plan of Work requested by the Commission under regulation 14.

...

~~3. The Commission shall, in considering a proposed Plan of Work, apply the Convention, the Agreement, and the Rules of the Authority in a uniform and~~

~~non discriminatory manner, and may not recommend approval of a Plan of Work that does not comply with these requirements.~~

3 alt. The Commission shall, in considering a proposed Plan of Work, apply the **Convention, the Agreement, and the Rules** of the Authority in a uniform and non-discriminatory manner, and ~~ensure its compliance with~~ ~~shall have regard to~~ **apply** the principles, policies and objectives relating to activities in the Area [as provided for in ~~the Convention,~~ ~~the Preamble,~~ ~~and Part I and Regulation 44~~ter of these regulations], ~~and in particular the manner in which the proposed Plan of Work~~ ~~contributes to realizing benefits for~~ ~~is in the interests of~~ **humankind as a whole** ~~in accordance with decisions of the Council and Assembly~~ **including in ensuring the fair and equitable sharing of benefits** ~~and ensuring the effective protection of the marine environment~~, **and may not recommend approval of a Plan of Work that does not comply with these requirements**

~~3 bis. The Commission in considering a proposed Plan of Work may seek advice and reports from competent independent experts on any matters considered to be relevant, as necessary.~~

~~3 bis alt. In the case the Commission evaluates that there are aspects of the proposed Plan of Work that are not covered entirely by its own internal expertise, the Commission shall nominate at least three competent independent experts selected on the basis of their significant experience or record of publications in a particular deep sea environment or technology sector, to review the application and provide comments to the Commission to inform their consideration of the proposed Plan of Work.~~

4. In considering the proposed Plan of Work, the Commission shall take into account:

(a) Any **relevant** reports from the Secretary-General;

~~(a)bis. — Any relevant [and substantive] comments received following the publication of the [alt 1. Environmental Plans][alt 2. Application][alt 3. Plan of Work and the accompanying plans and information] or the Commission's report on the [alt 1. Environmental Plans][alt 2. Application][alt 3. Plan of Work and the accompanying plans and information] made by Stakeholders, together with any revisions and responses provided by the applicant pursuant to regulation 11(3);~~

~~(a)ter. — Any advice or reports received from any competent organ of the United Nations or of its specialized agencies or any international organizations with [alt 1. competence in] [alt 2. relevance to] the subject matter;~~

~~(a)quat. Any information supplied by the sponsoring State or States [relating to the financial and technical capabilities of the sponsored applicant].~~

~~(b) Any concern raised by a [relevant] adjacent coastal State [likely to be affected] with respect to the application;~~

alt. to (a bis.), (a ter.), (a quat.), and (b):

(b) Any further relevant information about the applicant or in respect of the application sought by the Commission or the Secretary-General or supplied by the Sponsoring State(s), Members of the Authority, international organizations, adjacent coastal States, and other States or stakeholders prior to, and during the period of, the Commission's evaluation.

(b) bis. Reports from the Finance Committee upon matters within its competence, including:

(i) assessment of the economic benefits to be derived from the activities proposed in the application;

(ii) advice as to securing optimum revenue for the Authority;

(iii) the administrative budget required to manage a contract if awarded, and the proposed annual reporting fee to be levied pursuant to regulation 84;

(iv) any recommendation regarding the amount or format of the environmental performance guarantee; and

(v) advice as to whether the applicant would be subsidized so as to be given an artificial competitive advantage with respect to land-based miners.

~~(b ter.) Any advice or reports sought by the Commission or the Secretary-General from competent independent experts persons in respect of the application [the Environmental Plans] [environmental matters] to verify, clarify or substantiate the information provided, methodology used or conclusions drawn by an applicant;~~

(c) ~~The~~ Any previous operating record of responsibility of the applicant [including in relation to mining activities within other jurisdictions], as well as the applicant's performance during the exploration stage, including the quality of annual reports and baseline data, and the results of test mining activities];

~~[(c) bis. The previous operating record of the Sponsoring State(s), and the Sponsoring State(s)' technical resources and enforcement capabilities to monitor and enforce the applicant's compliance with the Rules of the Authority;]~~

(d) any objectives or measures established in the relevant Regional Environmental Management Plan.

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~~(e) Any relevant Standards and Guidelines developed in accordance with Regulations 94 and 95; and~~

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

- Germany supports the new title.
- Para 1: Germany supports the suggested changes to paragraph 1 and the inclusion of 1ter, which will support the Commission in managing competing tasks.
- Para 2: Germany does not support the setting of strict timelines for the LTC because the duration needed for assessing an application will depend in part on the workload of the LTC. For example, if the LTC is considering several applications in parallel, this may inevitably lead to slower progress. Thus, we support the proposed changes to paragraph 2 and the addition

of 2(c). Germany also believes that thoroughly assessing an application may require more than 1 LTC session and hence supports the ambition of finalizing recommendations within 275 days.

- Para 3: Germany prefers paragraph 3ALT over 3, including our proposals indicated in blue. 3.ALT elaborates on, rather than merely repeats the relevant UNCLOS provisions, which is the role of the Authority. The Authority has a specific regulatory mandate to elaborate on and give effect to the framework provided by UNCLOS. We added reference to our newly proposed Regulation 44ter on environmental goals and objectives. Germany supports the inclusion of 3bis as it affords the Commission suitable options to seek external expertise on specific matters if it deems useful.
- Para 4: Germany supports the inclusion of the ALT versions of paragraph 4(a bis.), 4(a ter.), 4(a quat.), and 4(b) as these are more specific. Germany further supports inclusions of para 4(b ter), 4(c), 4(c bis) and 4(d), which add relevant points of information for the Commission.