

**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 16

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 16 [IWG IM]

Consideration and approval of Plans of Work

1. The Council shall consider the reports and recommendations of the Commission ~~and any other relevant subsidiary body established in accordance with the Convention and the Agreement,~~ relating to approval of Plans of Work in accordance with paragraph 11 and ~~paragraph 12~~ of section 3 of the annex to the Agreement, after due consideration, and within 60 days unless the Council decides to provide for a longer period, the Council shall approve or disapprove the Plan of Work.

~~[2. If the Council does not take a decision on a recommendation for approval of a Plan of Work within 60 days or such other time period as has been established by the Council, the Plan of Work shall be deemed to have been approved by the Council at the end of that period.]~~

3. The Council shall disapprove a plan of work if any requirement of regulation 13 is not fulfilled.

4. The Council shall, when approving a Plan of Work, request the Secretary-General to ensure that the contract to be concluded incorporates all conditions outlined in the draft Plan of Work and the accompanying plans, as well as any additional conditions requested by the Commission or the Council.

~~16 alt.~~

~~The Council shall consider the reports and recommendations of the Commission relating to approval of Plans of Work in accordance with paragraph 11 of section 3 of the annex to the Agreement.~~

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

- Germany prefers the original DR 16 over 16.ALT. The original version references the 1994 Implementing Agreement and is fully consistent with it but it also adds information on any additional conditions decided by the Authority. In domestic jurisdictions, it is commonplace to impose conditions on mining operators, to ensure the operations are fully in line with the legislative framework. The same should apply to the Authority. For example, if the LTC regards a particular technology or device as problematic, it may be unfair to reject an application outright. Instead, the LTC may require the use of a different technology or device that is known to cause less environmental impacts. Similarly, the LTC or Council may require specific parameters for the monitoring of a mining project because of its proximity to particularly vulnerable marine ecosystems. Such conditions should be specified in writing and form part of the contract.
- Germany supports the changes made to paragraphs 1, 3 and 4 to ensure the requirements of DR 13 apply and the ISA can set conditions on individual Plans of Work. We suggest deletion of paragraph 2 as the 1994 Implementing Agreement is already referenced in paragraph 1.