

**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:

President's Text

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 18bis

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.

[Regulation18 bis [President's Text]

Obligations of the Contractors.

1. Contractors shall comply with these Regulations and the Rules of the Authority, **as well as the applicable Regional Environmental Management Plan, as amended from time to time**, in a manner consistent with the Convention, the Agreement and the Exploitation Contract.

...

{1.quat. Contractors shall comply with the national laws, regulations and administrative measures of the sponsoring State or States made pursuant to articles 139 and 153(4) of the Convention and article 4(4) of annex III to the Convention.}

1.quin. Contractors shall throughout the term of their contract, for the purposes of activities in the Area and ancillary activities, only use vessels flagged to registries of States that are States Parties to the Authority, and only use ports located in States that are States Parties to the Authority. In cases where the Contractor seeks to use flags or ports of non-member States of the Authority, the prior approval of the Council is required and is conditional upon receiving a written commitment from such non-member State or States to enforce the Rules of the Authority against the Contractor and to cooperate with the Authority for the purposes of securing compliance with the Rules of the Authority where required.

2. Contractors, their holding, subsidiary**ies**, affiliated and Ultimate Parent companies, agencies and partnerships shall be held liable for the

compliance of the Contract. Particularly, they shall be jointly and severally ~~and strictly~~ liable for the obligation of compensating damages arising outside of permitted Exploitation Activities ~~for~~ **for unforeseen damage arising from permitted activities**.

...

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

- Germany supports the suggested amendments to paragraph 1 and the inclusion of para 1.quat. Germany also suggests a new para 1.quin to reflect amendments to DR 5, which require Contractors to only use flag states and port states that are ISA member states, or non-members that accept to be bound by the ISA's rules regarding inspections and enforcement. This is to ensure that the ISA's Mining Code applies to the flag states of mining vessels and that ISA inspectors can board those vessels and can also inspect mining vessels in ports. We consider this essential to ensure a comprehensive inspection and enforcement regime, whereby the ISA can rely upon (and require) the cooperation and support of States where domestic investigation or enforcement may be required.
- Para 2: Germany supports inclusion of all bracketed text in para 2, including the term "and strictly".