

**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:

OEWG

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 38

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 38 [OEWG]

Annual report

...

2. Such annual reports shall be in accordance with relevant Standards and Guidelines and include:

...

(g) The actual results ~~and data~~ obtained from environmental monitoring programmes, including observations, measurements, evaluations and the analysis of environmental parameters, reported against **the Authority's Strategic Environmental Goals and Objectives in Regulation 44ter, the applicable Regional Environmental Management Plan including its Regional Environmental Objectives,** ~~where applicable, any criteria and thresholds included in the applicable Standards, and against the Environmental Management and Monitoring Plan, and taking into account environmental [goals and] objectives pursuant to [these Regulations.] the Regional Environmental Management Plan where applicable~~ **[, technical Standards and indicators, including environmental objectives and standards, pursuant to the applicable Regional Environmental Management Plan and the Environmental Management and Monitoring Plan],** together with details of any response actions implemented under the plan and the actual costs of compliance with the plan;

[(g)bis a statement indicating whether and how the results obtained from environmental monitoring programmes help to reduce knowledge gaps, particularly with respect to environmental impacts of activities in the Area;

(g)ter details of all revenues and operating costs associated with activities in handling and processing, including carbon emissions, to the degree available to support transparent identification of BEP.}]

...

[(j)bis Details about any changes made to the Contractor's business structure or collaborations, including but not limited to their subcontractors, holding subsidiaries, affiliates and ultimate parent companies, agencies and partnerships:]

...

(n) [Details of any changes made to the Contractor's Environmental Management System in accordance with Regulation 46;

(o) Details of any consultations carried out with coastal States, other marine users, or any other Stakeholders, including pursuant to Regulations 31;

(p) A summary of any complaints or whistleblowing reports received during the reporting period and details of how these have been dealt with;

(q) A summary of any performance assessments pursuant to regulation 52, or review of activities pursuant to regulation 58 during the reporting period;

(r) A summary of how the Contractor has dealt with any inspection reports, inspector instructions, compliance notices, monetary penalties or any other regulatory monitoring or enforcement action taken by the ISA or the Sponsoring State in relation to contractor compliance during the reporting period;

(s) Evidence that the Environmental Performance Guarantee has been paid or maintained in accordance with the contract terms.

(t) A summary report of the discharges registered in accordance with regulation 50(5).

(u) The planned date of Closure, and an explanation of any changes to the date, if applicable, in accordance with regulation 59}]

[2)bis. [The Secretariat shall arrange for the effective management of the submitted information in order to overcome existing gaps in knowledge concerning the marine ecosystems including their sensitivity and resilience, the determination of environmental quality standards and appropriate exploitation equipment.]

[2 bis ALT The Commission shall review annual reports received, and shall prepare and submit to the Council a summary report which shall record any trends or findings from the review, and any related recommendations for the Council's consideration. The report should include any information relevant to the formulation by the Authority of rules, regulations and procedures concerning protection of the marine environment and safety.]

[2(ter). In reviewing annual reports, the Commission shall prepare for the Council a report that summarises trends or findings from the annual reports, including but not limited to any knowledge and information relevant to the continuous improvement of the Authority's rules, regulation, procedures and management of activities in the Area, with a particular emphasis on information relevant to better understanding marine ecosystems, and the impacts of activities in the Area on such ecosystems, as well as safety and mining equipment.]

...

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

- Para 2(g): Germany's suggested amendments seek to harmonise this regulation with DR 44ter.
- Paragraph 2: Germany supports the inclusion of paragraphs (g)bis, (g)ter, (j)bis, and (n) to (u), which will help ensure the Authority can exercise oversight over exploitation activities and, importantly, use lessons learned and knowledge gained to improve the regulation and management of mining.
- Given the overlap between paragraphs (2)bis, (2)bis.ALT and (2)ter, Germany proposes minor amendments to (2)ter which should then cover the content of the other two paragraphs and allow them to be deleted.