

**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.

Regulation 28 – Maintaining Commercial Production

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.

1. The Contractor shall maintain Commercial Production in accordance with the exploitation contract and the Plan of Work annexed thereto and these regulations, and market conditions. A Contractor shall, consistent with Good Industry Practice, manage the recovery of the Minerals removed from the Mining Area at rates contemplated in the Feasibility Study.

2. The Contractor shall notify the Secretary-General and the Sponsoring State or States if it:

(a) fails to comply with the Plan of Work; or

(b) determines that it will not be able to adhere to the Plan of Work in future.

3. Notwithstanding paragraph 1 above, the Contractor shall immediately suspend production whenever such reduction or suspension is required to protect the Marine Environment ~~from Serious Harm or a threat of Serious Harm~~ or to protect human health and safety ~~to protect the Marine Environment from Serious Harm or a threat of Serious Harm, to protect human health and safety~~ or to protect human remains, objects or sites of archaeological or historical nature. A Contractor shall notify the Secretary-General and the Sponsoring State or States of such a reduction or suspension of production as soon as is practicable and no later than [72] ~~[24]~~ hours after production is reduced or suspended.

4. A Contractor shall notify the Secretary-General as soon as it recommences any [Commercial Production] ~~mining activities~~, and no later than 72 hours after such recommencement, and, where necessary, shall provide to the Secretary-General such information as is necessary to demonstrate that the issue triggering a reduction or suspension has been addressed. The Secretary-General shall notify the Council that production has recommenced.

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

- Para 3: Germany suggests deleting
 - the qualification (to protect the Marine Environment) “*from Serious Harm or a threat of Serious Harm*” - as there are valid alternative qualifications (e.g. “*from harmful effects*”, cf. UNCLOS Art. 145) and as no corresponding qualifications are set out in this Regulation with regards to protecting “human health and safety” or “human remains, objects or sites of archaeological or historical nature”; and
 - some apparent extraneous wording.