

GER Statement on Item 13: Report of the Legal and Technical Commission on the work of the Commission at its twenty-sixth session

9 December 2021

- Germany would like to thank the Chair of the LTC as well as all members of the LTC for this report and for their hard and continuous work, including intersessional activities and late-night remote meetings, to advance the mining code, in recent times in particular the standards and guidelines as well as the Regional Environmental Management Plans.
- We are very pleased to note that the Contractors have made an increasing number of training places available and thank them for their efforts, despite the difficulties they faced due to the pandemic during the past two years.
- It is regrettable that some places could not be taken up despite suitable applicants due to visa problems. We ask all member and observer states to support the ISA training programme by facilitating the travel of trainees from developing countries.
- Even though not a focus of the report, we would like to echo the remarks and requests made by other delegations this week regarding the **Draft Regulations**. It is now time for the established Working Groups to move to para-by-para text negotiations.
- We appreciate that the Working Groups' schedules are now specifically contained in the 'living roadmap' for the upcoming period. Like BEL and many others have emphasized, as a basis for this work, it will be important to have fully available and incorporated in a collated document the comments and

suggestions made by all Member States and observers on the latest draft of the regulations.

- Coming to the topic of **Standards and Guidelines**. We acknowledge the intensive work that the LTC has so far accomplished in this field. As stated before, Germany holds the view that further substantial work needs to be done in order to develop these important standards into effective regulatory instruments.
- We recognize that the LTC followed an outcome-based approach in order to provide for rigorous and contractually binding outcomes while allowing flexibility in the process. However, we do not consider it sufficient if, for example, a standard for environmental impact assessments only contains process-oriented instructions for contractors.
- For clarification: currently, the standards require contractors at the most to describe the environmental state, the technologies applied and the expected impacts. We firmly believe that environmental standards (and in particular the one for environmental impact assessments) should contain normative and measurable requirements for contractors to abide by.
- This will be the key prerequisite for establishing an effective environmental protection regime in the permitting process. We look forward to actively and constructively contributing to the necessary further work.
- We also would like to explicitly second the request made by the UK on Environmental Impact Statements. All comments on a contractor's EIS as well as the contractor's responses should be made available to the public.

- Lastly, we would like to recall the recurring decision by the Assembly such as in the 23rd Session where the **LTC was encouraged to hold more open meetings** in order to allow for greater transparency in its work. For example, any upcoming discussions about Standards and Guidelines and REMPs would certainly benefit from transparency and participation by observers. We would be grateful for information by the Chair of the LTC about any next steps to implement this request by the Assembly.
- As requested by the President, we reserve our comments on REMPs for this afternoon.
- We again thank the LTC for their invaluable work and the progress made.
- Thank you very much for taking our comments into consideration.