

ISA 29th Session, Part II – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 16 - Consideration and Approval of POW

Germany suggests deleting **paragraph 2** as the corresponding paragraph in the 1994 Implementing Agreement is already referenced in paragraph 1.

Germany supports inclusion of both **paragraphs 3 and 3.ALT** as these are not in fact alternatives but cover different elements of the consideration of a Plan of Work. Paragraph 3.ALT should become 3.BIS. We note that these two paragraphs were previously presented as paragraph 3 and 4, and not as alternatives. We are unsure why the numbering has been changed in this consolidated draft but hope that any numbering is maintained for future drafts so as to not cause unnecessary confusion during the negotiations.

We believe the current **paragraph 3.ALT** is important as it specifies that any conditions the Authority may want to attach to an application need to be outlined in writing. 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.

Lastly, we request deletion of **paragraph 4** as its content is fully captured in the previous paragraphs. In fact, paragraph 4 was presented as an alternative to DR 16 in the previous draft regulations, hence there appears to have been some errors when revising this regulation.