

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

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 53ter – Mining Discharges

In **paragraph 1** we can support the changes proposed by Spain to include regional organizations.

In relation to **paragraph 2**, we query whether dumping mining discharges that is necessary for the safety of the vessel should be a Notifiable Event within the meaning of Regulation 34 or perhaps rather an Incident as detailed in Regulation 33. Dumping mining discharges could have far-reaching environmental consequences. While it might be necessary in a true emergency, we should avoid creating loopholes whereby a Contractor can dump mining discharges without any follow-up while claiming it was necessary. If such dumping was classified as an Incident, the Contractor would need to activate the Emergency Response and Contingency Plan, follow any instructions from the Authority, and provide an Incident report to identify lessons learned.

In this respect, we suggest also revisiting **Appendix 1**, listing notifiable events, at some point in time with a view to reassess whether indeed all of these items qualify as “events” that warrant notification or whether some of these may rather constitute “incidents”.

In relation to **paragraph 4**, Germany prefers paragraph 4.ALT, which highlights the obligation to monitor discharges continuously and report them at least weekly. This seems appropriate given that mining discharges would likely be one of the key sources of pollution from activities in the Area and hence require close oversight. We would also be interested in examining the proposal by the UK to merge paragraphs 4 and 4.ALT.