

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

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 57 - Modification of a Plan of Work by a Contractor

Germany does not support the current wording of paragraph 2 and notes that an alternative suggestion that has been made, i.e. paragraph 2 alt, no longer appears in the draft consolidated text. We would like to see this paragraph 2 alt reintroduced, which we like many others strongly support, and to include the edits that Germany proposed to this version in writing last December. It is important that the Commission, and not the Secretary-General, is the one that evaluates any proposed modifications at the first instance. Assessing and making such a determination is not an administrative function. We note that where minor amendments are necessary, which we agree are administrative in nature, that the procedure under paragraph 4 would apply instead of this paragraph. Germany looks forward to more concrete discussions on what might constitute a “Material Change”, which we anticipate will be further elaborated in the Annex as well as defined in the Schedule.

Turning to paragraph 3, Germany strongly prefers the text version of paragraph 3 alt. Additionally, we support para 4, including the proposed edits in the text. Germany also proposes a new para 5, as follows: “All modifications to a plan of work under this regulation shall be recorded in the Seabed Mining Register.” Alternatively, this provision can also feature in Regulation 92.

Finally, Germany believes that there might be a gap in this provision, and possibly in the regulations: i.e. the question of modifications to the plan of work that the Authority may require, as suggested also in the comment box. Furthermore, a requirement is missing for the relevant Contractor to cooperate with the Authority to implement such modifications. Here, we are of course referring to modifications that are not minor or intended to correct any small errors. We note that UNCLOS requires both the Authority and the Contractor to agree on such modifications, which cannot be unilaterally made or imposed. We believe new provisions will need to be introduced in this respect and we are interested to hear views from other delegations on this matter before proposing specific text.