

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

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 7 - Form of applications and information to accompany a Plan of Work

Germany supports the inclusion of paragraph 2(d) as we believe the Authority should actively secure additional security by requiring written assurances or undertakings from parent or holding companies to assume liability in cases where the applicant is a subsidiary company.

As for paragraph 3, and as mentioned by others, in place of the phrase “taking into account” that is now used, we would insist that wording such as “in accordance with”, “in line with” or “in conformity with” is used. It should be clear that there is no discretion for applicants in preparing their applications to disregard, ignore or contravene any of the above. In our view, all applications that are not consistent with the regulations, standards and guidelines and the relevant REMPs, individually and all taken together, should be declined.

Regarding paragraph 3 bis (in chapeau text), we would propose on deleting the phrase “or will have”. In our view, the applicant must already be in a position when submitting the application to concretely show that it has access to the requisite financial capacity.

Germany strongly supports the inclusion of paragraph 3 d bis requiring an application to be accompanied by a test mining study prepared in accordance with DR 48 ter.