

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> SESSION:  
COUNCIL - PART II**

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council@isa.org.jm](mailto:council@isa.org.jm).*

**1. Name of Working Group:**

Institutional Matters

**2. Name(s) of Delegation(s) making the proposal:**

Federal Republic of Germany

**3. Please indicate the relevant provision to which the textual proposal refers.**

DR 5

**Red text** is in original draft; **blue text** indicates Germany's textual proposals

**4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

**Qualified applicants**

3. Each application by a State enterprise or one of the entities referred to in paragraph 1 (b) above shall also contain, **together with the necessary documentation as supporting evidence:**

- a. **The name of the applicant, and sufficient information to determine the nationality of the applicant or the identity of the State or States by which, or by whose nationals, the applicant is effectively controlled; and**
- b. The principal place of business or domicile and, if applicable, the place of registration of the applicant.

**Proposal of a New d)**

**d) Sufficient information to demonstrate the technical capability in environmental management pursuant to regulation 13 (3) (c) and the Section III of Annex I to be able to comply with the requirements of these Regulations.**

**Proposal of a New c)**

**c) Sufficient information to demonstrate that the applicant has the necessary financial, technical and operational capability to carry out the proposed Plan of Work in accordance with Good Industry Practice using appropriately qualified and adequately supervised personnel;**

4. Each application submitted by a partnership or consortium of entities shall contain the information required by these regulations in respect of each member of the partnership or consortium.

5. In the case of a consortium or any group, the consortium or group shall specify in its application a lead member of the consortium or group.

**Proposal of a New 6)**

6) The Authority shall not accept the application if the sponsoring state has not enacted a mining law that complies with the standards referred to in Regulation 105.

**5. Please indicate the rationale for the proposal. [150-word limit]**

- Germany recommends adding the following text to paragraph 3: “together with the necessary documentation as supporting evidence”. This would make it clear that the information provided in the application pursuant to this paragraph must be supported by the necessary documentation.
- We welcome the inclusion of the new paragraphs 3 (c) and (d) but are open to streamlining these provisions and/or moving them elsewhere, e.g. in DR 7.
- Finally, we support the insertion of new paragraph 6, which makes it a precondition that sponsoring states must have enacted national legislation prior to being eligible to sponsor any application. If the sponsoring state is yet to do so, we are of the view that the applicant is not qualified (since a qualified applicant must receive sponsorship from a member state).