

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

1. Name of Working Group:

President's Text

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.

President's Text, Annex I (Application for approval of Plan of Work)

Green 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.

**Section I
Information concerning the applicant**

...

13. If the applicant is a juridical person:

- (a) Identify applicant's place of registration;
- (b) Identify applicant's principal place of business/domicile; and
- (c) Attach a copy of applicant's certificate of registration.

(d) Identify the identities and locations of the applicant's:

(i) management including any members of its board of directors;

(ii) ownership, including any persons or entities holding 5 percent or more of the applicant's equity, if different from the place of registration/domicile, for example in the case ~~the~~ applicant is a subsidiary of a parent company located in a different jurisdiction and

~~(iii) an organisational chart of the group structure.~~

(iv) holding, subsidiaries, affiliated and Ultimate Parent companies, agencies and partnerships at the time of application]

13 bis. Where the applicant is a company, provide an organisational chart or other description of any company group structure, including parent, subsidiary or other associated companies.

13 ter. Provide any additional information to assist determine the nationality of the applicant, or by whose nationals the applicant is effectively controlled.

14. Identify the Sponsoring State or States.

15. In respect of each Sponsoring State, provide the date of deposit of its instrument of ratification of, or accession or succession to, the United Nations Convention on the Law of the Sea of 10 December 1982 and the date of its consent to be bound by the Agreement relating to the Implementation of Part XI of the Convention.

[15.bis. Provide information about relevant national laws and administrative measures that would apply to the applicant in its conduct of Activities in the Area, including on compensation mechanisms in respect of damage caused by pollution of the marine environment.]

[15.ter. A description of the Contractors and the Sponsoring States (or States) compliance enforcement strategies, and how these align with the Rules of the Authority.]

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

Germany suggests a new para (iv) to harmonise Annex I with DR 18bis, which foresees potential liability for the Contractor's holding, subsidiaries, parent companies etc. These entities should be identified at the time of application and the Contractor should have to inform the Authority of any changes with respect to these entities. This would provide a degree of legal certainty and help to ensure the entities in question are aware of their potential liability. Further measures, such as written assurances from the entities in question, might be required. This issue needs further, detailed consideration.

Para(d)(iii): can be replaced with Para 13bis.

Para 13 bis and ter: Germany supports the inclusion of these two provisions, which are designed to help the Authority determine who holds effective control of the Applicant.

Para 15bis and 15ter: Germany supports the inclusion of paragraphs 15bis and 15ter, though we query whether these might be better placed into the sponsorship certificate (DR 6).