

**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.*

**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.**

Draft Regulation 12

**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.**

**Regulation 12**

**[General]**

1. The Commission shall examine applications in the order in which they are received by the Secretary-General.

2. The Commission shall consider applications expeditiously and shall **endeavor to** submit its reports and recommendations to the Council no later than 120 Days from ~~[the date of the completion of the requirements for review of the Environmental Plans, in accordance with regulation 11 (1)(a)]~~**(4)** and ~~subject to regulation 14 (2)~~ **whichever date occurs later out of:**

**(a) the close of the comment period, in accordance with Regulation 11(1)(a), or**

**(b) the date of submission of a revised plan, in accordance with Regulation 11(2)ter.]**

~~2bis. If an application is overly complex or incomplete information has been submitted by the applicant, the Commission may delay its reports and recommendations under regulation 12(2) by a further 90 Days.]~~

3. The Commission shall, in considering a proposed Plan of Work, apply the Rules of the Authority in a uniform and non-discriminatory manner, and **[ensure its compliance with]** ~~[shall have regard to]~~ **[apply]** the principles, policies and objectives relating to activities in the Area as provided for in ~~[the Convention]~~ **[the Preamble and Part I of these regulations]** and in particular the manner in which the proposed Plan of Work ~~[contributes to realizing benefits for]~~ **[is in the interests of]** ~~[hu]~~ mankind as a whole **[in accordance with decisions of the Council and Assembly]** **[and ensures the effective protection of the marine environment]** **and may not recommend approval of a Plan of Work that does not comply with these requirements.**

~~[3bis. The Commission in considering a proposed Plan of Work may seek advice and reports from competent independent experts on any matters considered to be relevant.]~~

4. In considering the proposed Plan of Work, the Commission shall ~~shall may~~ take into account:

(a) ~~Relevant~~ Any reports from the Secretary-General

~~[(a)bis. Any comments received following the publication of the Environmental Plans draft Plan of Work and the accompanying plans and information or the Commission's report on the Environmental Plans draft Plan of Work and the accompanying plans and information pursuant to regulation 11];~~

~~[(a)bis.alt. Any comments made by Stakeholders;]~~

~~[(a)ter. Any advice or reports received from any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject-matter;]~~

(a)quarter. Reports from the Finance Committee upon matters within its competence, including

(i) assessment of the economic benefits to be derived from the activities proposed in the application;

(ii) advice as to securing optimum revenue for the Authority;

(iii) the administrative budget required to manage a contract if awarded, and the proposed annual reporting fee to be levied pursuant to regulation 84;

(iv) any recommendation regarding the amount or format of the environmental performance guarantee; and

(v) advice as to whether the applicant would be subsidized so as to be given an artificial competitive advantage with respect to land-based miners.

(b) Any advice or reports sought by the Commission ~~[or the Secretary General]~~ from independent competent ~~experts persons experts~~ in respect of ~~[the application]~~ ~~[the Environmental Plans]~~ ~~[environmental matters]~~ to verify, clarify or substantiate the information provided, methodology used or conclusions drawn by an applicant;

~~[(b) bis. Any concern raised by a relevant adjacent coastal States with respect to the application;]~~

(c) The previous operating record of responsibility of the applicant ~~[including in relation to mining activities within other jurisdictions]~~, as well as the applicant's performance during the exploration stage, including the quality of annual reports and baseline data, and the results of test mining activities];

~~[(c)bis. The previous operating record of the Sponsoring State(s), and the Sponsoring State(s)' technical resources and enforcement capabilities to monitor and enforce the applicant's compliance with the Rules of the Authority;]~~

~~[(d) any objectives or measures established in the relevant Regional Environmental Management Plan].~~

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

- Germany supports draft Regulation 12 in general.
- Para 2: processing an application may take longer if there are multiple applications in parallel, hence we suggest adding the word "endeavor".
- Para 2bis: We support this provision. The extension is necessary for exceptional cases.
- Para 3 should be kept with all additions in red. Also, we suggest clarifying that an application should not be approved if it does not comply with the relevant requirements.
- Germany is of the view that a separate regulation is needed with regard to the involvement of independent experts.

- Para 4: Germany supports the additions in red in Para 4. We propose that the public participation process needs to include the whole application, not only the Environmental Plans, and made proposed changes to para 4 (a)bis accordingly. Germany is of the view that para 4 should be moved to DR 13 as it addresses the type of information which the Authority has to consider when determining whether to approve or reject an application pursuant to DR 13.
- Para 4(a)bis: Germany prefers para 4(a)bis.alt instead of 4(a)bis. With respect to para 4(a)bis, we seek clarifications as to why the Commission should consider its own report.
- Para 4(a)quarter: Germany supports the suggestion to add a reference to the information the Finance Committee can provide in relation to applications. We also suggest that a general discussion is needed about the role of the Finance Committee in the process of assessing applications.