

**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.

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.

Draft Regulation 28

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.

Regulation 28

Maintaining Commercial Production

1. The Contractor [shall] [will make best efforts to] maintain Commercial Production in accordance with the exploitation contract and the Plan of Work annexed thereto and these regulations, [and market conditions]. A Contractor shall, consistent with Good Industry Practice, manage the recovery of the Minerals removed from the Mining Area at rates contemplated in the Feasibility Study.
2. [The Contractor shall notify the Secretary-General [and the Sponsoring State or States] if it:
 - (a) Fails to comply with the Plan of Work; or
 - (b) Determines that it will not be able to adhere to the Plan of Work in future.]
3. Notwithstanding paragraph 1 above, the Contractor shall [temporarily] [immediately] ~~[reduce or]~~ suspend production whenever such reduction or suspension is required to protect the Marine Environment from [Serious Harm or a threat of Serious Harm] or to protect human health and safety [to protect the Marine Environment from Serious Harm or a threat of Serious Harm, to protect human

health and safety or to protect human remains, objects or sites of archaeological or historical nature] ~~[upon the receipt of emergency order pursuant to regulation 4(4) or on the Contractor's own decision that maintaining the level of production would result in Serious Harm or a threat of Serious Harm.]~~ A Contractor shall notify the Secretary-General [and the Sponsoring State or States] of such a reduction or suspension of production as soon as is practicable and no later than [72] [24] hours after production is [reduced or] suspended.

4. ~~{~~A Contractor shall notify the Secretary-General as soon as it recommences any mining activities, and no later than 72 hours after such recommencement, and, where necessary, shall provide to the Secretary-General such information as is necessary to demonstrate that the issue triggering a reduction or suspension has been addressed. The Secretary-General shall notify the Council that production has recommenced.~~}~~

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

GER supports DR 28 in general.

We support the addition of "sponsoring state" in para 2.

We also support the use of the word "immediately" in para 3, as provided by the facilitator.

We support para 4 to be kept. After a suspension the Authority needs to know if and when the activities is restarted.