

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

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

1. Name(s) of Delegation(s) making the proposal:

Federal Republic of Germany

2. Please indicate the relevant provision to which the textual proposal refers.

Draft Regulation 95

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

3. 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 95

Issue of Guidelines

[1. [The Commission [or] [and where there is no conflict of interest] [and] the Secretary-General, [respectively] [shall] [may], [as the case may require] from time to time, [issue] [prepare] Guidelines of a technical or administrative nature, taking into account the views of [the Council and] relevant Stakeholders. Guidelines will support the implementation of these regulations from an administrative and technical perspective.]

[1. **alt.** The Commission ~~for other subsidiary organs of the Authority **where so requested by the Council**~~, shall, from time to time, **where appropriate or upon request by the Council**, develop Guidelines of a technical

nature, ~~[for the guidance of Contractors]~~ in order to assist in the implementation of these Regulations, taking into account the views of relevant Stakeholders.

1. **alt bis.** The Secretary-General shall, from time to time, develop Guidelines of an administrative nature, ~~[in order to assist in the implementation of these Regulations]~~, taking into account ~~[instructions from the Council and]~~ the views of the Commission as well as other relevant Stakeholders.]

~~[1. **alt ter.** Guidelines will support the implementation of the Regulations from an administrative and technical perspective. Guidelines will also clarify documentation requirements for an application, detail process requirements (e.g. for the public consultation process, annual reporting and periodic review), and provide guidance on the interpretation of regulatory provisions. [The guidelines are only of a recommendatory nature and does not affect the Contractor's performance of the exploitation contract by means other than the guidelines]~~

2. The full text of such Guidelines **or any revisions thereto** shall be ~~[reported]~~ [recommended] to the Council ~~[for adoption]~~. ~~[In case of Guidelines which are not of a predominantly administrative nature,] [t][T]he Council shall take into account statements submitted by Stakeholders during public consultation]~~. Should the Council find that a Guideline is

inconsistent with the intent and purpose of the Rules of the Authority, it may [direct] [request] that the Guideline be modified [or withdrawn]. [Where no such [direction] [request] is made the Council shall approve the Guidelines].
[2 bis. Where the Council approves the Guidelines, the Commission or the Secretary-General, as appropriate, shall issue the Guidelines.]

3. The Commission [or other subsidiary organ], [in the case of technical Guidelines] and the Secretary-General, [in the case of administrative Guidelines] shall keep under review such Guidelines [which shall be reconsidered, and revised [subject to Council approval] as needed, at least every five years from the date of their adoption or revision, and] in the light of improved knowledge or information.

[3. alt. The Commission and the Secretary-General shall review the Guidelines in the light of improved knowledge or information and submit their recommendations to the Council for further consideration and, possibly, adoption.]

[4. Guidelines are only of a recommendatory nature, **yet Contractors shall ensure they are apprised of the Guidelines and take them into account in their performance of functions under these regulations and their contract. The observance of a Guideline by a Contractor may serve as supporting evidence of compliance by that Contractor with the relevant Rules of the Authority to which the Guideline relates. The Authority may also request applicants or Contractors to identify and explain departures from Guidelines.**] ~~[and do not affect the Contractor's performance of the Exploitation contract by means other than the Guidelines.]~~

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

We support the changes proposed by the facilitator. In Para 1 we support the version 1alt, with some additional amendments.

Regarding the procedures for stakeholder consultation we see the need for further streamlining and refer to the ongoing discussions in the respective intersessional group.

We support the deletion of Para 1alt ter as it duplicates aspects covered in other paragraphs.

We support the proposal forwarded by Pew to amend Paragraph 4 in order to further clarify the status of Guidelines.