

ISA 29th Session, Part II – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 11 – Publication, notification and review of Application

Like others, Germany supports the alternative **title**, which better captures the content of the provision which focuses on the whole application rather than merely on the Environmental Plans.

We welcome the fact that **paragraph 1(a)** ensures that the entire application (except confidential aspects) should be subject to public consultation, rather than only the Environmental Plans. For example, information about the identity of the applicant, questions around effective control, the track record of previous compliance, or the training plan are all aspects that fall within the interest of the public. As noted by Australia, the consultation should be open to the public at large, hence we support removing the relevant brackets in paragraph 1(a).

With respect to the timing of public consultations on the application, we suggest conducting such a consultation after the application is received, so the LTC can then review the application together with stakeholder feedback from the consultation phase. However, we are open to discussing other suggestions, such as conducting a consultation on the draft LTC report to Council.

Germany supports the idea of using independent experts to help review an application, particularly where the relevant expertise may not be available within the LTC. As such, Germany supports the inclusion of **paragraph 6** and supports the wording just proposed by Costa Rica, saying: ...”the Commission SHALL seek advice from competent independent experts as necessary.” This wording allows the LTC to first look for relevant expertise within the Commission but in case the Commission does not provide for relevant expertise, the Commission will have to consult externally. This would guarantee that an application is reviewed by relevant experts, within the LTC where possible, or externally where necessary.

Lastly, we believe **paragraph 5** could be merged with DR 15.1.bis which also focuses on the LTC report that is sent to the Council.