

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

### Oral Statement by the Federal Republic of Germany

Delivered in July 2024

#### **Regulation 13 and 13 alt – Assessment of Applicant & Application**

Germany believes that DR 13 has become too convoluted and would create regulatory confusion. We believe DR 13 confuses what should be two separate assessments: First, the LTC needs to assess whether the applicant is a qualified applicant within the meaning of these regulations. Second, the LTC needs to assess whether the application meets all standards and requirements set out in these regulations. Indeed, this distinction is reflected in Article 6 of Annex III to the Convention.

Germany has proposed an alternative version, captured in **DR 13.ALT** in December 2023, to offer a clearer structure for DR 13, which should help both the applicants and the Authority and ensure regulatory clarity. DR 13.ALT offers a logical structure whereby a separate paragraph is used for each of the types of assessments the Authority will need to perform. For example, the Authority will need to determine if the applicant has the requisite financial and technical capabilities and whether the application generates benefits for humankind, pays reasonable regard to other activities, and meets the required environmental protection standards. We invite delegations to study our proposal and pay particular attention to the structure and flow of DR 13.ALT, which is designed to ensure clarity for the applicant and the Authority on how to assess an applicant as well as an application for mineral exploitation.

While we have a strong preference for DR 13.ALT, particularly as its structure is clearer and more logical, it is imperative for us that all elements captured in DR 13.ALT will be reflected in whichever version of DR 13 is eventually adopted. For example, we see it as fundamental to reference the Authority's strategic environmental goals and objectives, as currently captured in DR 44ter, to ensure the LTC can assess an application against clear objectives. Having said that, we invite all delegations to consider DR 13.ALT and we propose to use its structure and content to guide further discussions.