

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

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 2 - Principles, approaches, and policies

While understanding the rationale of streamlining this regulation that has been followed, Germany would like to join other delegations in expressing concern about the deletions in DR 2.

We support the delegation of Belgium in linking the activities in the Area to the Kunming-Montreal Global Biodiversity Framework, including the “30x30 target”, to ensure that seabed mining will not undermine an existing international commitment that all 196 Parties to the Convention on Biological Diversity have already agreed to. It is incumbent upon us as states to ensure that any new ocean activity does not undermine existing obligations and commitments. We therefore support inclusion of **paragraph 3.ALT.2**.

We are open to placing the reference to the Global Biodiversity Framework elsewhere in the Regulations as long as the intention is preserved. For example, the new strategic environmental goals and objectives in DR 44ter could be expressly linked to the Kunming-Montreal Global Biodiversity Framework. We look forward to a discussion on this issue.

A key point for us is to include a reference to the need to have sufficient scientific information for any mineral exploitation to be able to comply with the Convention. This includes the obligations to not cause significant harmful changes to the marine environment as per Article 196, to prevent, control and reduce pollution as per Articles 145 and 194, and prevent damage to flora and fauna as per Article 145. This was captured in **paragraph 3.ALT.2(c)** and we argue in favour of reflecting this point in DR 2.

As requested by the delegation of the Netherlands, we also see merit in reinstating text from **paragraph 3.ALT**, regarding Standards and Guidelines.

In **paragraph 1**, we support inclusion of the bracketed text and suggest referencing the Authority’s strategic environmental goals and objectives, as set out in DR 44ter, at the end of

paragraph 1. We had made a textual proposal to that effect in December 2023 but that seems to have been left out, though we are unsure why.

Germany is generally supportive of the additions made to **paragraph 4 Alt**. However, with a view to benefit from the discussions already held in the negotiation of the BBNJ Agreement, and to provide for a harmonized use of terms across different legal frameworks, we propose some minor changes:

- instead of **subpara (c)** as currently drafted, we suggest referring to “An ecosystem approach” in line with the BBNJ Agreement Art. 7(f)), and

- for **subpara (g)**, we suggest using “The use of the best available science and scientific information” in line with the BBNJ Agreement Art. 7(i)).

We also believe **paragraph 6** should be retained because the Part XI regime makes it particularly important to focus on regulatory and administrative integrity. For example, the fact that the Authority regulates seabed mining, enforces the legal framework, but also stands to benefit financially from seabed mining creates inherent risks for conflicts of interest. We therefore need to ensure the highest standards of integrity are upheld by all actors involved.

Lastly, we would like to kindly seek clarification as to why **paragraph 2.bis** was removed without a trace, whereas the deletion of paragraphs 3 and 4 is indicated in track changes. We wish to note that Germany supports the re-insertion of the previous paragraph 2bis.

We would like to request in general, as stated by several delegations on Monday, that any deletions should be marked up so we can discuss them in Council.