

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

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 6 - Certificate of sponsorship

In paragraph 3(c), Germany does not support the proposed additions in square-bracketed text since the discussion on effective control is still ongoing at the Council whereas the proposed edits appear to assume that the “regulatory control” test would apply. It is entirely possible that the discussion may lead the ISA to require other forms of supporting evidence in order to determine whether the sponsorship arrangement is in conformity with the requirements of UNCLOS. Germany therefore suggests that the proposed square bracketed text in red in this sub-paragraph be deleted and replaced simply with “and supporting evidence”. So it would read as follows: “A statement and supporting evidence that the applicant is [...]”. Depending on the outcome of the discussion on effective control, the Council may wish to further elaborate on such supporting evidence in this draft regulation or designate this elaboration to Standards and/or Guidelines. However, we can be flexible if these evidentiary requirements are met elsewhere, e.g. in Draft Regulation 7.

As for paragraph 3(d), Germany supports the additions in square-brackets and the deletion of the red text therein.

Lastly, Germany supports retaining paragraphs 3(e) and (f), and hence the lifting of the square brackets, as these provisions also appear in the Exploration Regulations.