

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 31TH SESSION:
COUNCIL - PART I**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

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

Germany

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

Topic: Resources Covered by the Regulations, Preamble

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.

Preamble

~~In accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”) and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Agreement”), the Area and its resources are the common heritage of humankind, and the Exploitation of the resources of the Area shall be carried out for the benefit of humankind as a whole, on whose behalf the Authority acts. ...~~

The objective of these Regulations is therefore to regulate the Exploitation of ~~polymetallic nodules the [mineral] resources~~ of the Area consistent with the Convention, including the duty [to take necessary measures in accordance with the Convention] to ensure effective Protection [of] the Marine Environment from [harmful effects] ~~[Serious Harm]~~ caused by those activities [as well as the duty to protect and preserve [objects and sites of an archaeological or historical nature] [underwater cultural heritage] found in the Area [for the benefit of humankind as a whole in accordance with articles 149 and 303 of the Convention], while [ensuring respect for][recognizing and protecting] [existing] cultural [rights or] interests].

~~[The Authority acknowledges the current uncertainties and limited knowledge about deep ocean ecosystems and the potential effects of activities in the Area and the need to revise these regulations in light of advancements in scientific knowledge.] ...~~

4. Please indicate the rationale for the proposal.

Germany agrees that the draft regulations should clearly specify the resource type to which they apply. We note that such clarification is both necessary and overdue. We suggest that the current draft regulations for the time being apply only to polymetallic nodules for the following reasons:

First, the Convention requires us to give priority to regulating polymetallic nodules.

Second, for the exploration phase, the Authority has regulated three different types of resources separately.

Third, resource types other than polymetallic nodules require different considerations, which we have not taken into account when negotiating the content of these current draft regulations. For example, the discussions on the payment regime have only considered polymetallic nodules and it would not be possible to apply these draft regulations to other types of resources without undertaking detailed scrutiny of whether different resource types require different considerations for both the payment regime and environmental management.

Fourth, while the Authority has exploration regulations for 3 types of resources – that is polymetallic nodules, polymetallic sulphides, and ferromanganese crusts, there are other types of resources which the Authority has not yet considered at all. These include Rare-earth rich deep-sea muds or phosphorites. For regulatory certainty, it is important to exclude any resources that were not expressly considered during the negotiations of these present draft regulations, in order to not expose the Authority to future problems if and when focus may shift to entirely different resource types.

We would anticipate that, just as with the Exploration Regulations, adopting subsequent regulations for other types of resources will be significantly faster than the first set of exploitation regulations. Nonetheless, it is important to be clear about the scope of these present regulations, having been negotiated with polymetallic nodules in mind.