

Bonn, September 22, 1977

I. Proposal of a law for the preliminary regulation
of deep sea mining

Paragraph 1

- (1) The haulage (exploration and extraction) of mineral raw materials from the bottom of the deep sea by local residents is only permitted when the authorization has been granted either according to this law or by a country granting reciprocity.
- (2) The authorization for the exploration is granted by a permit and that for the extraction by a license.

Paragraph 2

Within the framework of this law, there are

1. Exploration

the systematic investigation of a field for the purpose of determining a deposit as well as the factors which are of importance for the extraction. The taking of samples of mineral raw materials which are necessary for the development, production or testing of haulage equipment, is also considered as exploration.

2. Extraction

the loosening or releasing of considerable quantities of mineral raw materials for the purpose of their economic utilization including their processing if this is effected on the high seas.

3. Mineral raw materials

deposits or accumulations which

4. Bottom of the deep sea

the sea bed and substratum of the sea bed up to a depth of ten meters outside of areas for which the Federal Republic of Germany claims territorial rights or acknowledges territorial rights of other countries.

Paragraph 3

- (1) The authorization is to be refused when
 1. an international agreement on deep sea mining has come into force and has effect on the Federal Republic of Germany;
 2. an authorization has been granted or has been applied for the field or parts thereof according to this law or according to the regulations of a country granting reciprocity;

3. the applicant does not offer the guarantee for an orderly haulage, also with regard to the operational safety and labor protection, owing to his knowledge, experience and financial means as well as his reliability;
 4. the applicant has given up an authorization granted him for the same field or this authorization has been revoked less than three years before the date of application;
 5. it is to be suspected that, owing to the extraction,
 - a) the rights of third parties are essentially restricted as related to the exercise of the other freedoms of the high seas,
 - b) the foreign relations of the Federal Republic of Germany are essentially restrictedor
 - c) the interest in maintaining the marine environment is essentially restricted.
- (2) The license is, furthermore, to be refused if the applicant has not effected explorations in the field.

Paragraph 4

If several applications are received for the same field or parts thereof, then the chronological sequence in which they have been received is the decisive factor with respect to the priority.

Paragraph 5

The granting of authorizations is effected under the jurisdiction of the Federal Minister for Economics.

Paragraph 6

A charge is levied for the processing of an application. The amount of the charge is to be determined in accordance with the administrative cost in connection with the implementation of this law.

Paragraph 7

- (1) The authorizations can be connected with auxiliary conditions to the extent that this is necessary in order to maintain the requirements protected by this law. Subsequent modifications of the content of granted authorizations as well as the subsequent insertion, modification or supplementation of auxiliary conditions are admissible to the extent public interest necessitates such a measure by taking into consideration the economic interest of the holder of the authorization.
- (2) The size of the field covered by the permit and the deadline for the permit shall be just sufficient in order to permit a thorough investigation of the field as well as

the development, production and testing of the initial haulage equipment as well as test processing systems.

- (3) The size of the licensed field and the deadline of the license shall be just sufficient in order to permit a continuous, economic extraction of the minerals in the licensed field and the production of commercial haulage equipment as well as of processing systems.
- (4) It is to be stipulated in the permit that the holder incurs appropriate recurrent expenses with respect to the exploration. When determining the amount of the expenses, the size of the field and the expected means required for the subsequent starting of the extraction are to be taken into consideration. Furthermore, the point in time is to be given in the permit when the extraction must start.

Paragraph 8

- (1) For the extraction of the mineral raw materials, haulage ships are to be utilized carrying the flag of the Federal Republic of Germany.
- (2) The mineral raw materials extracted on the basis of a license issued in accordance with this law are considered as being extracted within the Federal Republic of Germany for the purpose of the application of the laws as related to foreign economy, customs, levies and taxes.
- (3) Regulations deviating from sections 1 and 2 are acceptable on the basis of legal ordinances provided they serve the economy of the haulage and do not run counter to national interests in the haulage and to the requirements protected by this law.

Paragraph 9

The Federal Republic of Germany will recognize ~~authorizations~~ granted by another country for the exploration and extraction if

1. they have been issued on the basis of legal regulations which are comparable with the regulations of this law or with legal ordinances issued on its basis and
2. the other country recognizes ~~authorizations~~ granted according to this law.

Paragraph 10

If the participation of the Federal Republic of Germany in an agreement in the sense of Paragraph 3, Section 1, No. 1 leads to an impairment of the assets of the holder of a authorization, then he is to be indemnified. The amount of the indemnification depends on the expenses incurred by him for the haulage within the granted area. An indemnification is, in general, excluded if ten years have passed since the authorization was granted.

Paragraph 11

If an international consortium participates in the extraction for which the authorization has been granted, then Paragraph 10 is only applicable with regard to the portion held by the local resident.

Paragraph 12

- (1) The Federal Government is authorized to regulate the process for the implementation of this law by means of legal ordinances, particularly to issue regulations regarding the approval process and the recognition of foreign authorizations as well as legal instruments connected with them and related to the question of sovereignty.
- (2) It can also issue the regulations required for the monitoring by means of legal ordinances in order to make sure that the extraction is effected in agreement with legal regulations. For this purpose, it can, in particular, order report, record and conservation duties. The supervision is effected by the Federal Minister for Economics. For the application of the supervisory regulations, the fundamental right of the invulnerability of the home (Article 138(?) of the Constitution) is restricted.

Paragraph 13

- (1) In the individual case, the Federal Minister for Economics can order the measures which are necessary to maintain the requirements protected according to Paragraph 3, Nos. 3 and 5. If the haulage according to Paragraph 1, Section 1, is effected without authorization, then the Federal Minister for Economics can prohibit its continuation.
- (2) Administrative processes for the implementation of this law or of the regulations issued on the basis of Paragraph 12, Section 1, are executed by executive personnel of the Federal Government according to the administrative executive law and the law on the direct constraint when exerting public authority. Direct constraint is applied by the executive personnel of the Water and Shipping Administration of the Federal Government using the powers conferred upon the police in charge of rivers and shipping and by the executive personnel of the Forces for the Protection of Federal Borders. The Federal Minister for Traffic and the Federal Minister for the Interior arrange by agreement the interaction between the Water and Shipping Administration and the Forces for the Protection of Federal Borders.
- (3) The executive personnel mentioned in Section 2 have the rights and obligations of police officers according to the regulations of the law related to disorderly conduct when investigating contraventions according to Paragraph 14. They are, to this extent, aides of the public prosecution.

- (4) Paragraph 8 of the law related to the duties of the Federal Government in the field of merchant shipping is applied accordingly. The fundamental right of the invulnerability of the home (Article 13 of the Constitution) is restricted to this extent.

Paragraph 14

- (1) Disorderly conduct is considered when a person, intentionally or accidentally,
1. effects the extraction of minerals without authorization according to Paragraph 1;
 2. infringes upon a judge's order to be executed according to Paragraph 7 Section 1;
 3. does not haul the extracted minerals aboard one of the ships as mentioned in Paragraph 8, Section 1;
 4. infringes upon a legal ordinance issued according to Paragraph 12, Sections 1 and 2, to the extent it points towards this fine for a given fact.
- (2) The disorderly conduct can be penalized by a fine of up to Deutsche Mark one hundred thousand in the cases of Section 1, Nos. 1 to 3 and by a fine of up to Deutsche Mark twenty thousand in the cases of Section 1, No. 4.

Paragraph 15

This law is also applicable in the Berlin area if the Berlin Government determines the application of this law. Legal ordinances issued on the basis of this law apply in the Berlin area in accordance with Paragraph 14 of the Third Transitional Law.

Paragraph 16

This law enters into force on the day it is proclaimed.

II. Justification of the law for the preliminary regulation of deep sea mining

1. General Remarks

Legal order is to be created by the law for the preliminary regulation of deep sea mining for the extraction of mineral raw materials from the bottom of the deep sea. The requirement for a legal regulation of the extraction activities of local residents on the bottom of the sea results from economic as well as general legal considerations.

For some time already, German companies as well as those of other countries explore the bottom of the sea. They have discovered mineral resources, particularly large occurrences of ore-bearing manganese deposits. Their prospecting is successful so that an increase in the activities is planned, particularly the transition to the phases of staking-out the field worth mining and subsequent extraction of the manganese deposits. There exists a considerable public, particular, economic interest (for example, securing of raw materials) in an intensive continuation of the deep sea mining activities by German firms. This necessitates a legal order which makes sure that the utilization of the bottom of the sea does not restrict, in an inadmissible manner, the justified interests of third parties. An order concretely outlining the rights and duties did, so far, not exist either in domestic law or in international law. The deep sea mining law fills this gap.

The law makes essentially the utilization of the bottom of the deep sea dependent on an authorization. The authorization (permit and license) shall only be granted if, among others, a sufficient consideration of the justified interests of third parties in the utilization of the bottom of the deep sea as well as of the sea itself (shipping, fishing) is guaranteed but also of the interest of the nations in maintaining the marine environment. Particularly, by establishing the common compatibility of the utilization of the bottom of the sea, the law can contribute towards the performance of the activities without interference from third parties in the interest of those willing to undertake the utilization. The law is to give the economy for deep sea mining the measure of security which is indispensable for decisions on long-term, high expenditure requiring investments. For this reason, there is, among others, an indemnification for impairment of assets expressly provided which the holder of an authorization might incur with the participation of the Federal Republic of Germany in an international convention related to the bottom of the sea which would eliminate this law.

The preliminary regulation of the deep sea mining is effected within the limits of the existing international law. The law neither extends the German territorial area

to parts of the bottom of the sea nor does it permit their appropriation. It actually controls, in connection with the personality principle recognized by international law, the activities on the bottom of the sea of local residents. There exists no legal status in international law prohibiting the countries and their people the extraction of minerals from the bottom of the high seas. However, efforts have been under way for a long time to arrive at an international regulation of the deep sea mining within the framework of the 3rd U.N. maritime law conference and on the basis of the GV resolutions (Res. 2749 (XXV) of 12/17/1970 and Res. 2574 D (XXIV) of 12/15/1969). The delegation of the Federal Republic of Germany has, however, as have the other countries, repeatedly emphasized its international point of view of free access, on the basis of equal rights, for all countries to the mineral resources on the bottom of the deep sea on the occasion of the conference. In spite of the different opinions prevailing among the nations on the details of an international regulation of the deep sea mining, the Federal Republic of Germany will continue its efforts towards an international agreement. This law is to cover only an interim period. This fact can be noted from the word "preliminary" regulation as well as from Paragraph 10 (participation in an international convention).

By this action, the Federal Republic of Germany follows the steps of other countries advancing deep sea mining, particularly the U.S.A. By means of a regulation corresponding to foreign legislation and resulting mainly from the nature of the matter and the interest situation, the prerequisites are created for an international uniform utilization of the bottom of the sea. It permits the mutual recognition of the activities on the bottom of the sea and contributes towards avoiding conflicts as well as towards an inter-nation cooperation. Internationally consistent regulations are, however, also in a position to lay the foundation for a later international order comprising all nations within the framework of the United Nations.

2. With reference to the individual regulations

To Paragraph 1

Section 1 requires that local residents must have an authorization for the haulage (exploration and extraction) of mineral raw materials from the bottom of the deep sea.

With the exploration and extraction, only the activities directly pointing towards the economic utilization are restricted. On the other hand, the scientific researching of the bottom of the deep sea as well as the phase of prospecting which precedes the exploration are not subjected to restrictions.

The law is directed towards local residents. This term is taken from the law on foreign economics where local residents are defined, among others, as natural persons residing or usually staying within the (German) economic territory as well as legal persons and firms with personal liability having their seat or place of management within the (German) economic territory. It is appropriate to take over this definition because the decisive regulation criteria are identical for the normal addressee in both laws.

The right for the extraction by a local resident cannot only be derived from authorizations issued according to this law but also from the authorization of a country granting reciprocity. In this manner, in particular, the participation of German firms in international consortia is made possible. However, such an authorization must have been issued by a country having issued comparable regulations for deep sea mining and guaranteeing the reciprocity of the recognition of authorizations (cf. Paragraph 9) in order to make sure of the legal protective purposes.

Section 2 provides ^{for} a permit as an authorization for the exploration and a license for the extraction. The terminology selected here for the authorizations corresponds to that used in the bill of the Federal Mining Law in the interest of legal uniformity.

To Paragraph 2

Paragraph 2 contains a number of important definitions of terms. They have been determined with special consideration of the definitions of the planned Federal Mining Law as well as of the work done so far by the 3rd U.N. maritime law conference.

According to number 1, the planned investigation of a field for the purpose of determining a deposit as well as the factors of importance for the extraction is to be understood by the term exploration. Difficulties might develop in limiting the prospecting phase preceding the exploration. However, they should be resolved by pointing towards the criteria of the intensity and systematics of the investigative activities. There follows also from this definition that the permit for the exploration does not exclude the simultaneous performance of prospecting or of scientific research by others in the same area. Also the taking of samples of mineral raw materials for the development of

haulage equipment is to be assigned to the exploration.

The haulage of considerable amounts of mineral raw materials, with the purpose of their economic utilization, is essential for the term of extraction according to number 2. If the subsequent processing should be effected at sea, then it is to be assigned to the extraction and is thus also dependent upon a license.

According to number 3, mineral raw materials are considered to be deposits or accumulations containing manganese, nickel, cobalt or copper. The mineral raw materials to which present activities on the bottom of the sea relate, are thus combined. By avoiding a more comprehensive definition, the purpose of the law is demonstrated not to create a comprehensive and final regulation of the deep sea mining but only an interim regulation restricted to what is absolutely necessary.

Number 4 determines the applicable area of the law with regard to space. It is the bottom of the sea and substratum up to a depth of 10 meters outside of areas for which the Federal Republic of Germany claims sovereign rights or recognizes sovereign rights of other nations. Excluded from this is the German continental shelf (cf. Cosacz (?) on the preliminary regulation of the rights on the continental shelf of 7/24/1964, BGBl I, 497) as is the continental shelf of other countries. According to the international right presently in effect, the coastal state exerts sovereign rights over its continental shelf for the purpose of economic exploitation. However, the present boundaries of the continental shelf are not clear from the point of view of the international law. The great majority of the coastal states claims the continental shelf up to a line where it passes over into the bottom of the deep sea. A similar uncertainty exists with regard to the bottom of the sea which does not actually form a continental shelf but for which a number of coastal countries claim the same sovereign rights on the basis of an economic 200 mile zone. So far, the Federal Republic of Germany has not recognized these attempts of a unilateral extension of the sovereign rights. However, it cannot be excluded that conditions with regard to foreign policy and international law may change in the future. For this reason, the applicable area for this law had to be based on the respective state of recognition of territorial rights by the Federal Republic of Germany.

To Paragraph 3

Paragraph 3 regulates the prerequisites for the granting of the authorizations by listing in detail the reasons for refusal.

Section 1, Number 1 does no longer permit the granting of authorizations as soon as an international agreement on deep sea mining enters into force for the Federal Republic

of Germany. In this manner, from the beginning, the transition of the national approval process into an international regulation by the third U.N. maritime law conference has been provided. If an international regulation should be signed by the Federal Republic of Germany but would not yet have entered into force for it, a refusal or a postponement of the granting of the authorizations would only be taken into consideration from the point of view of an essential prejudice of foreign relations (Paragraph 3, No. 5, Letter b).

Number 2 requires the refusal of the authorization if, for the same field, an authorization has already been granted or is applied for. This applies also to applications and authorizations which have been applied for or granted according to the legal requirements of a country granting reciprocity. It follows from the international principle of the free access, on the basis of equal rights, of the nations and their people to the mineral resources of the sea that the one who came first has priority for the extraction, also in the relationship with other countries. The recognition of foreign authorizations resulting from this situation, presupposes, however, that reciprocity is maintained and the relevant legal regulations are comparable (cf. Paragraph 9).

According to Number 3, the applicant must guarantee an orderly extraction. The subjective conditions for authorizations mentioned here in detail are of great importance because deep sea mining, which is only at its very beginning, involves extraordinary scientific technical and financial requirements for those willing to undertake the extraction and because the granting of the authorization must be dependent on the special reliability of the applicant in view of the considerable dangers vis-a-vis others or the marine environment from an irresponsible extraction. The conditions for authorizations listed under Number 3 shall also prevent that authorizations are only requested for the purpose of "hoarding" of fields, i.e. without the intention of extraction by the applicant. Guarantee must also be given for an extraction taking into consideration the requirements for operational safety and labor protection. Securing a sufficient consideration of these interests belongs to the basic prerequisites of terrestrial as well as maritime mining.

By means of Number 4, an applicant is excluded if an authorization issued to him for the same field had been given up by him or has been withdrawn from him less than three years before he submitted his application. In view of the international implications connected with the granting of an exclusive but functionally and in time and space limited extraction right, holders of authorizations shall be required to perform a serious and responsible exploitation of granted authorizations by means of this condition of exclusion.

According to Number 5, an authorization is, furthermore, to be refused if the restrictions, being of an essential nature, of those public interests which have been mentioned in detail are to be suspected.

The public interest in the consideration of the rights of third parties in exerting the other freedoms of the high seas (Letter a) is based on corresponding international obligations of the Federal Republic of Germany. On the one hand, each country can refer to the freedom of the high seas to effect, for example, shipping and fishing as well as to lay underwater cables and pipe-lines according to international common law as well as according to Article 2 of the Geneva Convention on the High Seas. On the other hand its rights are limited by the corresponding rights of the other countries so that it is obliged to consideration in the exertion of its rights. If, in a concrete case, essential restrictions, for example, of shipping, should develop for parts of the applied for extraction area, then it must be examined whether the restriction can be reduced to a degree also admissible from the international point of view by means of invoking certain conditions.

According to Letter b, also essential restrictions in foreign relations of the Federal Republic of Germany must be avoided. Such restrictions could, for example, come to bear in those cases in which the applied-for field extends into an area claimed by a coastal state for itself with the simultaneous lack of an international recognition or a recognition pronounced by the Federal Republic of Germany. The danger of a serious conflict in foreign policy could then become so considerable that the performance of extraction activities would have to be eliminated.

Letter c requires the consideration of the interest in maintaining the marine environment. According to results of the observation of the bottom of the sea available so far, the depths in which the extraction will take place are considered to be lifeless. However, a correction of these results cannot be excluded. Furthermore, it must be made sure to a sufficient extent that the haulage systems used from ships and penetrating the water column to the bottom of the sea do not destroy in the long run and to a large extent the marine flora and fauna in lower depths. The protection of the marine environment is more and more recognized as a common interest by the community of nations. Therefore, the Federal Republic of Germany has also entered the agreements of 2/15/1972 and 12/29/1972 for the prevention of the pollution of the seas.

According to Section 2, an authorization is to be refused if the applicant has not effected an exploration in the field. The corresponding first right to the economic exploitation is guaranteed in this manner, on a legal basis, to the holder of an authorization who has performed the exploration in the respective field.

To Paragraph 4

Paragraph 4 regulates the priority of competitive applications according to the sequence in time in which the applications have been received. In practice, this means that the processing of the application received at a later date is deferred until a final decision has been reached with regard to the application received first.

To Paragraph 5

Paragraph 5 determines the Federal Minister for Economics as the competent authority for the granting of authorizations. This takes into account, among others, the economic and political importance of the deep sea mining as well as the necessity of a combined evaluation of the multiple factors decisive for the granting of the authorizations. It can be proceeded from the fact that the Federal Minister for Economics will make use of comments and reports from the experts of those authorities being familiar with the respective questions when evaluating the prerequisites for the authorizations (cf. Paragraph 3). This includes, for example, the German Hydrographic Institute, the Federal Office for Environmental Matters as well as the Superior Mining Offices.

To Paragraph 6

According to Paragraph 6, a charge is levied for the processing of the application. This administrative charge is required because it is expected that the approval processes will require a rather considerable additional administrative expenditure.

To Paragraph 7

Paragraph 7 establishes the dimensions for the determination of important details of the authorizations.

Section 1 grants, in particular, the competent authority the right to effect subsequent modifications of issued authorizations. This right is necessary owing to the importance of the approved activities covering a longer period of time and the resulting probability of changing actual conditions. The precondition is, however, that, when weighing it with the - opposing - economic interest of the holder of the authorization, public interest demands the subsequent modification.

By orienting the determination of the size of the permit field and permit deadline to permitting a sufficient exploration in Section 2, the balancing of the interest of the applicant in as large as possible an extension of the field with the public interest, following the international thinking, of a not too far reaching extension is achieved.

Section 3 contains the respective measures for the authorization.

In the interest of a speedy performance of the haulage activities, according to Section the condition is to be included into the permit that the holder of the permit incurs appropriate recurring expenditures. This provision is a supplement to the thought already expressed in Paragraph 3, No. 3, that the blocking of fields should be avoided by those who are incapable or unwilling to undertake the extraction.

To Paragraph 8

Section 1 requires that the ships used for the extraction of the mineral raw materials carry the flag of the Federal Republic of Germany. On the one hand, the regulation seems to be necessary for the internationally effective coordination of origin. According to the legal understanding of international law being formed for the purpose of fishing, the origin of objects, being taken into possession and on board on the high seas as res nullius, is determined by the flag of the ship. This understanding is also the basis of the corresponding regulations of the EEC Origin Ordinance No. 802/68 of 6/27/1968, published in the ABL No. L 148 of 6/28/1968 Page 1 (cf. Article 4, Paragraph 2, Letter f). On the other hand, only by using haulage ships with the German flag, the execution of administrative actions aboard the ships, which might become necessary, can be undertaken. According to international law, the ruling and executive authority is, in the first place, assigned in such cases to the country of the flag.

Section 2 establishes the legal fiction that the mineral raw materials, having been extracted on the basis of an authorization issued according to this law, are considered as being extracted in the Federal Republic of Germany. This fiction shall make possible the determination of origin for the purposes of the application of the laws as related to foreign economy and customs as well as levies and taxes with regard to the extraction activity.

Section 3 permits deviating regulations by means of legal ordinances when this serves the economy of an extraction project and the interests protected by law are not impaired. A case of application for the expediency of a deviation from the rules of Sections 1 and 2 could, for example, develop when a locally residing company would effect the extraction together with a non-resident company within the framework of an international consortium and the haulage ship carries the flag of one of the participating non-resident companies for economic-technical reasons. In such cases, it may be appropriate to disregard the regulation in the Sections 1 or 2 if the participating non-residents do not infringe upon the principles contained in this law during the extraction activities and if the German supply of raw materials is not touched by it in a decisive manner. The interest in the supply of raw materials could be covered in such a manner that the locally residing partner in the consortium (holder of authorization) assures to make available a portion corresponding to his participation for the domestic supply (or of the European Economic Community).

To Paragraph 9

Paragraph 9 explains that authorizations granted by another country are recognized under the condition of comparable regulations as well as reciprocity. This regulation represents only the basis for a recognition to be pronounced in the individual case. The details for the evaluation of foreign regulations are subject to the rules in a legal ordinance (cf. Paragraph 12, Section 1). The comparability of the regulations shall, in particular, help avoiding that other countries issue courtesy authorizations without consideration of the common compatibility of deep sea mining.

To Paragraph 10

Paragraph 10 contains an indemnification regulation in case the Federal Republic of Germany enters into a deep sea mining convention. It is in the interest of the holder of an authorization, who is to be protected, to be insured against impairment of his assets which sovereign acting would cause by the fact that it withdraws or devalues the subjective public right granted with the authorization. This indemnification regulation corresponds with the principles of the indemnification granted in case of expropriations. Actually, from this point of view, a claim for indemnification of the holder of an authorization would also exist without the express regulation contained in this Paragraph. The amount of the indemnification is determined on the basis of the expenditure incurred for the extraction in the respective field (Sentence 2).

Sentence 3 excludes an indemnification in general if ten years have passed since the authorization has been issued. Since it can be assumed that the holder of the authorization has exploited a considerable portion of the field within this period of time and has received at least a reimbursement of his expenditure by the profit gained, the legislator can, in an overall manner, exclude the claim for indemnification in such a case. On the basis of the obligation inherent in the authorization to speedily advance the extraction, the Government has the right to refuse an indemnification if the holder of an authorization has not met this obligation.

To Paragraph 11

In cases of international consortia, Paragraph 11 restricts the claim for indemnification to the portions accountable to the local resident. The limiting of the indemnification to the local resident has its justification in the fact that only he is the holder of the authorization and has, in principle, to bear the general obligations established by the German legal order owing to his local residency but, on the other hand, he can also claim the rights which are granted him by this legal order.

To Paragraph 12

Paragraph 12, Section 1, authorizes the Federal Government to establish regulations by means of a legal ordinance for the execution of this law. In particular, regulations are to be established in this way for the authorization process which raises a number of additional individual questions. It can also become necessary to regulate details with regard to the recognition of foreign authorizations.

Section 2, furthermore, authorizes the Federal Government to establish the regulations required for supervisory purposes. This includes report, record and conservation duties. It will, in particular, be necessary to make sure that the approving authorities are continuously informed on the progress of the extraction activities.

To Paragraph 13

Section 1 gives the Federal Minister for Economics the authority to take individual measures required for the purpose of adhering to this law. According to Sentence 1, the Federal Minister can order measures to comply with the international, foreign-political and ecological requirements protected in Paragraph 3, No. 5. Such measures can especially be taken into consideration in the course of the extraction performed on the basis of an authorization. Sentence 2 makes sure that the continuation of an extraction operated without authorization can be prohibited. The requirement for a prohibitive provision and its execution on the basis of Section 2 can, in particular, develop when the punishment of the contravention according to Paragraph 14, Section 1, No. 1, Section 2, does not have the desired result.

Section 2 extends, in order to be able to effect the forceful execution of administrative processes outside the area of application of the Constitution, the area of application of the administrative executive law and the law on the direct constraint when exerting public force to the area of the high seas and designates the executive personnel of the Federal Government authorized to apply the direct constraint. In order to be able to perform constraining measures quickly and effectively - possibly also at long distances from the territory of the Federal Republic of Germany - a regulation easily adaptable to changing conditions is required in the interaction between the Water and Shipping Administration of the Federal Government and the Forces for the Protection of Federal Borders. In accordance with the model of the bill of a Federal Mining Law (Paragraph 155, Section 3), the regulation is to be effected by means of administrative agreements.

Section 3 gives the foundation for the competence of the executive personnel of the Federal Government in the investigation of disorderly conduct and grants them, to this extent, the property of aides of the public prosecution.

Section 4 permits control measures aboard ships by means of the corresponding application of ~~Paragraph~~ 8 of the law on the duties of the Federal Government in the field of merchant shipping of May 24, 1965.

For this purpose, a restriction of the fundamental right of the invulnerability of the home (Article 13 of the Constitution) is necessary.

To Paragraph 14

Paragraph 14 classifies contraventions against certain regulations of this law as well as against regulations which are contained in a legal ordinance according to this law as disorderly conduct.

To Paragraph 15

This regulations contains the customary Berlin Clause.

To Paragraph 16

This regulation indicates the point in time when this law will come into force.