

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

Oral Statement by the Federal Republic of Germany

Delivered in March 2024

Regulation 29ter (previously DR 32) - Risk reduction principles [of Incidents]

Germany supports the re-positioning as 29ter, which previously was set out as DR32.

With regards to the first sentence in paragraph 1, and both sentences of paragraph 2, we suggest a slight reformulation with a view to clearly stipulate that it is the *Contractor* who has the obligation to follow the principles for risk reduction. Otherwise, the responsibility remains undefined.

With regards to the second sentence of paragraph 1, we would prefer the former draft text, i.e. referring to “reduce the risk”, instead of “work to further reduce the risk”, as the latter seems to be ambiguous and discretionary. We suggest deleting “work to further”.

Furthermore, still with regards to the second sentence of paragraph 1, our delegation does not support the deletion of the term “*grossly* (disproportionate)”, noting that the use of term is maintained in paragraph 2. Risk reduction should not be abandoned simply for being costly, but rather only when grossly disproportionate to the benefits of such reduction.

Lastly, we believe deleting the words “of Incidents” here would make the provision unclear. We suggest retaining these words or replacing them with “all risks relating to Exploitation”.