

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

### Oral Statement by the Federal Republic of Germany

Delivered in March 2024

#### **Regulation 33 - Preventing and responding to Incidents**

With regards to paragraph 2(a), Germany prefers if the reference to the obligation to also notify “States adjacent to the contract area likely to be affected” is kept in the text, at the very least to provide for consistency for the time being with language presented in brackets as currently set out in paragraph 2(c).

Still with regards to paragraph 2(a), we also have a preference that any such notification is done “*at the earliest time possible, but no later than 24 hours* (from the moment the Contractor becomes aware of the Incident)” - as this stipulation would be less ambiguous than “*without undue delay*”. It would also align with the corresponding stipulation for notifiable events as set out in paragraph 2 of DR 34.

Concerning paragraph 2(f), we would be supportive of keeping the text currently contained in brackets at the end of this paragraph, as we believe that including in any incident report suggestions on “*measures to minimize or reduce the risk of similar Incidents occurring in the future*” would be a valuable element to be considered.

Regarding paragraph 4, we are strongly in favour of the paragraph Alt.4.bis and would kindly ask for its reinsertion. Sub-paragraphs (a) and (b), in particular, present important procedures on *how* the Secretary General may arrive in communicating any instructions to be directed at contractors in the case of any Incident, as being referred to in paragraph 2(c). In any case, we do not think it is appropriate to leave this discretion to take measures in response to Incidents to the Secretary General, as this is not an administrative function. Finally, we note that working on the basis of Alt.(4)bis, paragraph 5 will need to be reinserted to ensure the publication of incident reports on the Authority's website.