

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

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 94 - Adoption of Standards

Like others, we wondered about the reference to Annex X, as referenced in Para 1. Annex X is currently to the Standard Clauses for the Contract.

However, we would welcome discussion on whether and how recognized experts should be determined. We suggest a harmonized process for the selection of experts is developed, rather than a list of experts. When such a process is developed, it could be used and referenced also in other relevant provisions in the regulations where reference is made to external experts.

In para 1, it is not clear to us why the words “where applicable” has been proposed here and we would like to see it removed. In our view, the word “relevant”, which is already in the text, is sufficient.

We do not support the deletion of para 4 ter. However, we can accept a reformulation that still signifies that Standards are legally binding, such as the following: *“Where there are instances of Contractor non-compliance with the Standards, Regulation 103 shall apply”*.

We support the proposed deletion of Para 5bis.

Finally, we would regard it useful to have a list of Standards that are currently referenced in the regulations. Perhaps the President, together with the Secretariat, could prepare a list of the relevant regulations that refer to Standards. This exercise would be extremely helpful.