

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

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 95 - Issue of Guidelines

Regarding the title of Regulation 95. We suggest to say “Issuance of Guidelines” instead of “Issue of Guidelines”.

Regarding para 1 and 1 bis, we note that the process envisioned here refers to “taking into account the views of Stakeholders”, but it is not clear to us how such consultation would work in practice. We are of the view that the regulation needs to detail the process and we seek clarification on this.

In para 2, we question the inclusion of the bracketed text “by the Commission”, since Guidelines can also be issued by others (as currently drafted in paras 1 and 1bis). In our view, this can be deleted and it should be obvious that the issuing party should be the one responsible to modify or withdraw the Guidelines in question.

We do not support the deletion of text in para 4. It should be made clear that although Guidelines are non-binding and recommendatory in nature, they are nonetheless important. However, we are flexible regarding the formulation in paragraph 4. An alternative wording might be the following: *“Notwithstanding the non-binding and recommendatory nature of Guidelines, Contractors are expected to observe all Guidelines issued by the Authority to the furthest extent possible. The Council may request Contractors to explain any divergence from the Guidelines.”*