

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART III**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

Inspection, Compliance and Enforcement

2. Name(s) of Delegation(s) making the proposal:

Federal Republic of Germany

3. Please indicate the relevant provision to which the textual proposal refers.

DR 101

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Regulation 101

~~{Review of the Inspector’s decision}~~ {Complaints relating to inspection}

~~1. — A Contractor who considers that an Inspector has acted unreasonably or outside of the scope of their powers under this Part may complain in writing to the {Secretary General} {Council} {Inspectorate}, who shall consider the complaint as soon as practicable.~~

{1 Alt A person aggrieved by an action of an inspection inspector under this Part may complain in writing to the {Inspectorate}, who shall consider the complaint as soon as practicable.}

2. The ~~{Secretary General}~~ {Inspectorate} may take may such reasonable action as is necessary in response to the complaint.

{3. The {Inspectorate} shall issue a report to the Authority describing the complaint and the action taken in response to such a complaint.}

5. Please indicate the rationale for the proposal. [150-word limit]

We think the title of this provision should be revised to reflect that such complaints are strictly related to inspection. We also prefer paragraph 1. Alt 1 over paragraph 1 because such right should not only be reserved to a contractor. We invite further discussion on institutional arrangements on whether the Inspectorate should be the one investigating such complaints and being the “judge of its own cause”, bearing in

mind the proposal to establish a Compliance Committee that could play a role here and allow for due process. On this point, we note that Costa Rica proposed a new DR102 bis at the last meeting to further specify the role and remit of the Compliance Committee (including to hold inquiries or hearings), which we welcome and would like to have more time to consider and hopefully be ready to discuss this at the next Council meeting. We also believe that the regulation should be more explicit about what “such reasonable action” means, including whether it is more appropriate for the Council to be the one taking action. For the moment, we also wonder if DR 97(7) would fit better under this provision.