

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART I**

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:

ICE

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 bis

Red text is in original draft; **blue text** indicates Germany's textual proposals

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 101bis

Whistle-blowing procedures

1. The ~~[Compliance Committee]~~ **[Assembly, in collaboration with the Council]** shall develop and implement:

a. whistle-blowing policy for the staff of the Authority, the Inspectorate, the Enterprise, and personnel of Contractors, and

b. a public complaints procedure to facilitate reporting to the Authority by any person of any concerns about the activities of a Contractor, or the Authority.

2. The whistle-blowing and complaints procedures under this Regulation must:

a. be publicly advertised,

b. be easy to access and navigate,

c. enable anonymous reporting,

d. trigger investigations of reports by independent persons, and

e. be proactively communicated by the Secretary-General to Contractors and their staff, and other Stakeholders.

3. A Contractor, ~~[its subcontractors and their agents]~~ **relating its activities as well as those of its subcontractors and agents**, shall have in operation whistle-blowing and complaints procedures **relating its activities as well as those of its subcontractors and agents**, which must be publicly advertised, and which should include details of the Authority's equivalent procedures to enable direct reporting to the Authority by a complainant where preferable.

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

- General comment: Germany notes the proposal by the facilitator to delete this provision. Germany does not support this proposal and would like to see this provision maintained with some modifications. In our view, the regulations should not set out to prescribe such whistle-blowing procedures in detail. However, we see merit in having a provision in the regulations acknowledging the importance of whistle-blowing and the need to incorporate this into the regime. A good way to give effect to this is through a general policy of the Authority, and the regulations can already anticipate and provide for this.
- Para 1: Germany proposes that the whistle-blowing procedures of the Authority shall be developed by the Assembly in collaboration with the Council, i.e. as a general policy, or alternatively, be developed by the Council, i.e. as a specific policy.
- Para 3: Germany proposes that contractors should also be required to have their own whistle-blowing and complaints procedures that relate to their activities as well as extending to their subcontractors and agents.