

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

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 104 - Power to take remedial action

We do not agree with the proposed addition to this regulation, which would seem to make it mandatory for the Council to consult with a Contractor, who has failed to comply with a compliance notice or more. We note that DR 104 applies **after** the process in DR 103 has been followed, that means **after** a Contractor has received a compliance notice and has been given the opportunity to make representation to the Authority. We therefore do not see it as necessary to offer a second opportunity for consultation.

We also do not think it is necessary to make it obligatory for the Council to depend on the recommendations of the Commission in taking a decision. Of course, the Council is always free to request input from the Commission. We believe the provision looks fine as it stands without the proposed edits and the Council is sufficiently empowered to take appropriate action.