

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:

COUNCIL - PART 3

Informal Working Group - Inspection, Compliance and Enforcement

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

1. Name(s) of Delegation(s) making the proposal: Republic of Costa Rica
2. Please indicate the relevant provision to which the textual proposal refers.
Regulation 101, ISBA/27/C/IWG/ICE/CRP.1/Rev.2
3. 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 Inspections]

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] who will transmit the complaint immediately to the ~~[Council]~~ [Inspectorate] [Compliance Committee], which shall consider the complaint as soon as practicable.

[1. ~~Alt~~ A person aggrieved by an action of an Inspector under this Part may complain in writing to the [Inspectorate] [Compliance Committee], who shall consider the complaint as soon as practicable.]

2. The ~~[Secretary-General]~~ [Inspectorate] [Compliance Committee] may take ~~may~~ such reasonable action as is necessary in response to the complaint in accordance with the applicable Standard/ Code of Conduct.

[3. The [Inspectorate] [Compliance Committee] shall issue a report to the ~~Authority~~ Council describing the complaint and the action taken in response to such a complaint.]

Regulation 101bis Complaints and whistle-blowing procedures

3. The [Compliance Committee] shall develop and implement:
 - a 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.
4. 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.

5. A Contractor shall have in operation whistle-blowing and complaints procedures, 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.
 6. **Please indicate the rationale for the proposal. [150 word limit]**
- For this regulation, Costa Rica consider that the ISA should have a public complaints procedure, and whistle-blowing procedures, to enable third party complaints regarding any aspect of ISA functions or ISA contractor activities. For that reason, we suggest the title of DR 101 be amended to state explicitly that it covers 'Complaints relating to Inspection', and we propose an additional Regulation 101 bis entitled 'Complaints and whistle-blowing procedures'.