

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH 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.

The facilitators' proposed amendments are reflected in **red**.

Pew's proposed amendments and our questions or comments regarding the facilitator's remarks are indicated as in-line edits in **blue**. Where we propose deletions of the facilitator's text this is shown **in strikethrough and bold**.

1. Name of Working Group:

IWG Environment

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

Pew Charitable Trusts

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

DR 52

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.

3bis The Secretary-General shall publish the report and provide opportunity for Stakeholders to comment, and at the end of that consultation period shall transmit the report and any Stakeholder's comments to the Commission [and Compliance Committee / Inspector-General] for review.

1. The Commission shall [, in consultation with the Compliance Committee / Inspector-General] review a performance assessment report **and any stakeholder comments received to it** at its next available meeting, provided that the report has been circulated at least 30 Days in advance of such meeting. **If the Commission does not possess sufficient expertise amongst its members, it shall consult independent experts to review the performance assessment. The Commission should, where necessary and appropriate, consult external experts to review the performance assessment.** ~~The Secretary General shall publish the report and provide opportunity for Stakeholders to comment, and at the end of that consultation period shall transmit the report and any Stakeholders' comments to the Commission for review. The Secretary General shall make public the report and the findings and recommendations resulting from the Commission's review.~~

5. Where the Commission ~~upon review of the report and any Stakeholder comments received in relation to it, [and upon the advice of the Compliance Committee / Inspector-General]~~ considers the performance assessment to be unsatisfactory or the report submitted to be inadequate, ~~in relation to taking account of the applicable Standards,~~ relevant Guidelines and the Environmental Management and Monitoring Plan, the Commission may require, ~~after providing the Contractor with a reasonable opportunity to address any inadequacies,~~ the Contractor to:

6. Where ~~a Contractor has previously submitted two successive an unsatisfactory performance compliance assessments or~~ the Commission has reasonable grounds to believe that a performance assessment cannot be undertaken satisfactorily by a Contractor ~~in accordance with consistent with~~ the ~~Standards Guidelines,~~ the Commission may procure, at the cost of the Contractor, an independent competent person to conduct the performance assessment and to compile the report.

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

Para 4: The provision for stakeholder consultation envisaged in para 4 might be better suited in a separate para 3 bis wherein the independent auditor's report on the Contractor's performance assessment is opened to stakeholder consultation.