

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28<sup>TH</sup> 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](mailto:council@isa.org.jm).

**1. Name of Working Group:**

Informal Working Group on Inspection, Compliance and Enforcement

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

The Pew Charitable Trusts

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

DR 96bis

**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.**

1. The Commission shall establish a Compliance Committee comprising of ten members with appropriate expertise ~~within the Commission~~ to carry out the functions of the Compliance Committee in accordance with this regulation.

2. Without limiting the powers and functions conferred upon another organ of the Authority the Compliance Committee shall:

(a) provide recommendations to the Council and Chief Inspector on the administration and ~~Administer and~~ management of the roster of Inspectors and matters relating to inspection, compliance and enforcement in accordance with relevant policies or directions issued by the Council;...

(c) Appoint Inspectors as required from the approved roster of inspectors, according to the approved inspection programme and schedule under regulation 97 or as may be required; ...

(k) Issue compliance notices under regulation 103, and in urgent cases, take any appropriate interim measures where necessary in accordance with the applicable Standards, taking into account relevant Guidelines;

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

We generally support the content of DR 96 bis, however as mentioned in our DR 96alt submission we have reservations about the Compliance Committee being established within the LTC.

To help address some of these issues, we would suggest in DR96 bis paragraph (1) to delete ‘within the Commission’ to enable these appointments to be made from outside the Commission, where it is helpful to do so. We suggest this both because

it seems unlikely that there would be 10 members within the LTC with relevant regulatory and inspection expertise, and also because this would impose a significant burden on a large contingent of the LTC, who are already tasked with significant duties. Permitting appointments outside the existing membership of the Commission can alleviate some of those issues.

In para 2a, we would amend the provision to say that the Compliance Committee shall provide recommendations to the Council and Chief Inspector on the administration and management of the roster of Inspectors. We believe the responsibility to manage the roster should rest with the Chief Inspector and not the Compliance Committee.

In paragraph 2(c), we presume the 'approved' inspection programme relates to the schedule approved by Council in line with DR97(2). This could be cross-referenced here for clarity. We would also like to see flexibility maintained, so variations from the programme are permitted where there is good cause e.g. a notification requesting an inspection comes in from a State, or a contractor reports an Incident.

In paragraph 2(k) the term "any appropriate interim measures where necessary" is rather broad and vague terminology, for actions that have potential to interfere with Contractors' rights and may be challenged. For this reason, we would recommend that this point and the relevant powers here be further expanded, perhaps via Standards or Guidelines - reference to which can be added to the end of the para.