

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART III**

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:

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 105bis

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.

- **Red font** are proposed amendments by the Facilitator in this revised text.
- Our proposed amendments and our questions or comments regarding the facilitator’s remarks are indicated as in-line edits in **blue**. Proposed deletions of text proposed by the facilitator appears in strikethrough and **bold**.

1. Every 5 years from the date of establishing the Compliance Committee, **or sooner if required**, the Council shall commission through the Secretary-General an independent review of the Authority’s inspection, compliance and enforcement mechanism to ensure that the manner of its operation and activities accords to best international **standards of be** regulatory practice.

[1. bis. The report of the periodic review should be published on the Authority’s website, ~~with private and confidential information redacted.~~

2. In the light of the review, the Council may, taking into account any recommendations of the Commission, **decide on ~~recommend~~** changes to improve the way the mechanism operates.

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

Generally, we believe this is a sensible proposal, provided the Council retains the option to do a review more regularly or sooner than 5 years if the context requires. We would suggest that feedback from Inspectors should be sought in the review, and also analysis should be undertaken of relevant statistics e.g. of harassment claims, complaints, employment and retention rates etc.

For 1bis, we suggest deleting the reference to private and confidential information. Rather than introducing this caveat every time a provision references the publication of data this can be covered in a sweeping provision in DR 90. This phrase also unhelpfully adds a new category ‘private’ without any explanation.

For 2, its not clear who the Council would make a recommendation to. We believe the intention here was for the Council to make a decision in respect to the review and recommendations of the LTC.