

# Cross-sectoral Standard Provisions for Regulation

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# Introduction

This document contains mostly very general provisions. It is intended as a source of inspiration for those drafting laws and other forms of regulation in any regulatory or policy area. Readers are invited to select provisions that they consider useful for their specific regulatory or legislative task and to adapt them to their specific needs. No provision should be taken without considering the need for adaptation.

The document is not intended to be a universal generic model law. However, in the absence of a sector-specific model law, it can be used as a basis for drafting legislation and other forms of regulation. If you intend to use the document in this way, you should be aware that it contains redundancies, partly because it is derived from very different legal traditions. For example, in some jurisdictions, interpretive rules are placed at the beginning, while in others, at the end. To reflect this, we have placed scope-related interpretative provisions at the beginning and at the end whilst recognising the interest in placing all interpretative rules in one place. Moreover, we kept redundancies as hardly any user will use the document in its entirety. Accordingly, certain topics appear at various places.

The document has been produced by two artificial intelligence programs known as Large Language Models (LLMs): Claude (Anthropic) and Perplexity. It is the result of a long series of instructions and tasks that took the human in charge several days to complete. The document was only marginally revised by humans. The order of the provisions, and the provisions themselves, could be improved depending on the jurisdiction. However, as its main purpose is to serve as a kind of quarry, the document can already be used to make draft legislation more complete.

The basic pattern of the document has been developed using the [Regulatory Institute's model laws](#), because these model laws integrate regulatory knowledge from many jurisdictions and sectors alike. They, therefore, provide an excellent international and cross-sectoral basis.

However, the LLM interface Perplexity<sup>1</sup> has, in many cases, suggested additional very sensible rules based on regulations that have been sifted through around the world. In doing so, Perplexity continued the Regulatory Institute's approach of learning from regulators in all sectors around the world and making the knowledge gathered available globally and across sectors. It is this approach that has been continued by regulatory practitioners supporting the Regulatory Institute who manually redacted the text to a modest extent. The document is therefore the result of three rounds of international gathering of regulatory knowledge. Feel free to suggest further improvements.

This document is complemented by two lists that have been developed in the same work process:

- The list of powers/obligations;
- The list of sanctions and accompanying measures.

Inadvertently, the document proves that at least some LLM can be used to complement draft regulations and to make them more effective. If you want to embark on the adventure of LLM-based regulatory completeness, check or similar forms of revision, here are a few tips:

- Do not underestimate the time involved. Plan your work to avoid long interruptions, because controlling LLMs for large tasks is also complex and requires a lot of attention, oversight and memory on the part of the LLM user. For example, the 'raw' lists of provisions used in the three documents produced by this working process took more than 20 hours to produce without any review, and the light review took even longer.

<sup>1</sup> Strictly speaking, Perplexity is not an independent LLM, but an interface that builds on various LLMs.

- Test various LLMs. The LLMs we found to be particularly performing might not be the most performing tomorrow. If you do not have time to test various LLMs, seek advice from us. The most commonly known LLM (currently ChatGPT) might not be the best performing one.
- Communicate with LLMs as you would with a person.
- Sometimes, ask if things are clear or to rephrase the task.
- Be aware that the LLM, like a person, may want to be lazy and cut corners. It may also cheat a little here and there. Give clear feedback on this.
- If the LLM does not ‘know’ where to look for good provisions, refer to [www.howtoregulate.org](http://www.howtoregulate.org) and the laws of New Zealand, Singapore, Hong Kong, Canada and South Korea. South American laws also contain interesting provisions. US and European Union laws have been digested by LLMs anyway.
- Make your instructions as detailed as possible. You can also ask the LLM to fine-tune the instructions in a first round before asking them to complete the task.
- Break up large documents into manageable chunks.
- Be careful about cumulating different tasks in one instruction - this often leads to unwanted results.
- Evaluate each interim result and give feedback. It is tedious, but worth it in the end.
- Ask for a redo if you are not happy with the result.
- Be clear about your objectives and the overall goal, because sometimes the LLM will identify useful intermediate steps that you have not seen yourself.
- Give another scheme as an example of format or structure.
- Check whether it is useful to refer to a model law [developed](#) or [collected](#) by the Regulatory Institute to outline the format or structure.
- For the content, indicate reference documents (e.g. existing laws or model laws) that should be used as basis.
- If your LLM cannot digest information from the internet (like the otherwise currently excellent LLM “Claude Sonnet 3.5”, which can also be accessed via a professional Perplexity subscription), upload the reference documents as pdf or txt files. For example, we have uploaded a slightly truncated .txt file with all the model laws from the Regulatory Institute. We can provide this file on request.
- Use the following document as a starting point or reference when instructing LLMs. Select the parts that you are interested in.

# The provisions

## A. Interpretation Rules:

### 1. Hierarchy of Goals:

1.1 Where there is conflict between the goals of this Act, the following hierarchy shall apply:

- (a) [Primary goal, e.g., “protection of public health and safety”];
- (b) [Secondary goal, e.g., “environmental protection”];
- (c) [Tertiary goal, e.g., “economic development”];
- (d) [Quaternary goal, e.g., “technological innovation”].

1.2 Notwithstanding subsection 1.1, where the pursuit of a higher-ranked goal would result in disproportionate harm to a lower-ranked goal, the Competent Authority may, after careful consideration and justification, prioritise the lower-ranked goal in that specific instance. The exercise of such prioritisation is subject to judicial control.

1.3 In cases of conflict between goals not explicitly ranked in subsection 1.1, the Competent Authority shall make a determination based on the following factors:

- (a) The potential impact on public welfare;
- (b) The urgency of addressing each goal;
- (c) The long-term consequences of prioritising one goal over another;
- (d) The reversibility of any negative consequences; and
- (e) The principle of proportionality.

1.4 The Competent Authority shall publish guidelines detailing the application of this hierarchy, which shall be updated annually based on practical experience and stakeholder feedback.

### 2. Purposive Interpretation:

2.1 This Act shall be interpreted in a manner that best ensures the attainment of its goals and the goals’ subgoals whilst respecting the following values and principles:

- the principle of rule of law;
- the protection of human rights;
- ...

2.2 In case of ambiguity, the interpretation that best advances the goals / purposes of this Act shall be preferred.

### 3. Precautionary Principle:

3.1 Where there is a threat of serious or irreversible damage to [protected interest, e.g., “public health”, “the environment”], lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such damage.

3.2 In applying the precautionary principle, the Competent Authority shall:

- (a) Conduct a preliminary evaluation to ascertain the level of scientific uncertainty;
- (b) Assess the potential consequences of inaction;
- (c) Evaluate the proportionality of the proposed precautionary measures;
- (d) Examine the economic costs and benefits of action or inaction;
- (e) Maintain transparency in the decision-making process; and
- (f) Review the measures as new scientific data become available.

3.3 Precautionary measures shall be:

- (a) Proportional to the chosen level of protection;

- (b) Non-discriminatory in their application;
- (c) Consistent with similar measures already taken;
- (d) Based on an examination of the potential benefits and costs of action or lack of action; and
- (e) Subject to review in the light of new scientific data.

3.4 The Competent Authority shall establish a scientific committee to advise on the application of the precautionary principle in complex cases.

#### **4. Proportionality:**

4.1 All measures taken and interpretations chosen under this Act must be proportionate to the objectives pursued.

4.2 In assessing proportionality, the following factors shall be considered:

- (a) The suitability of the measure to achieve the desired objective;
- (b) The necessity of the measure, considering whether less restrictive alternatives could achieve the same objective; and
- (c) The balance between the benefits of the measure and any adverse effects on individual rights or interests.

4.3 Where a measure imposes financial burdens, the following limits of proportionate affordability shall apply:

(a) For individuals:

(i) No natural person shall be required to spend more than [X]% of their annual income on compliance measures, unless their net worth exceeds [Y].

(ii) No natural person shall be required to spend on compliance measures if such expenditure would deprive them of resources needed for basic necessities.

(b) For commercial legal persons:

(i) No commercial legal person shall be required to spend more than [Z] times the commercial value of the regulated entity or activity on compliance measures.

(ii) No commercial legal person shall be required to take measures that would render it economically unviable, as determined by an independent financial audit.

4.4 The Competent Authority shall publish detailed guidelines on the application of the proportionality principle, including worked examples and case studies.

4.5 When assessing proportionality, the Competent Authority shall consider the availability and feasibility of technological solutions that may reduce the burden of compliance.

#### **5. Definitions:**

5.1 The definitions provided in Section [X] of this Act shall be construed as legal fictions for the purposes of this Act.

5.2 Where a term is defined in this Act, other grammatical forms of the same word shall have corresponding meanings.

5.3 In this Act, unless the context otherwise requires:

- (a) Words in the singular include the plural and vice versa.
- (b) Words importing a gender include every other gender.
- (c) References to a person include both natural and legal persons.
- (d) References to writing include any mode of representing or reproducing words in visible form, including electronic forms.

5.4 The Competent Authority may issue interpretative guidelines to clarify the application of defined terms in specific contexts.

## **6. Legal Fictions:**

6.1 For the purposes of this Act:

(a) Any action taken on or via the Internet shall be deemed to have been taken in [State X] if this Act applies to that action.

(b) Any effect observed on or via the Internet shall be deemed to have occurred in [State X] if this Act applies to that effect.

6.2 In case of uncertainty regarding the place of an action or effect relevant to this Act, it shall be rebuttably presumed that the action, its effect, and the causal chain in between occurred in [State X].

## **7. Delegation of Power to Amend Definitions and Legal Fictions:**

7.1 The [relevant Minister] may, by [type of regulation]:

(a) Amend the definitions provided in Section [X] of this Act;

(b) Introduce new definitions as necessary for the effective implementation of this Act;

(c) Exclude certain categories of persons or entities from the definitions provided in Section [X];  
and

(d) Amend the legal fictions provided in Section 6.

7.2 In exercising the power under subsection 7.1, the [relevant Minister] shall:

(a) Act only for the purpose of:

(i) Adapting the definitions or legal fictions to technological or market developments;

(ii) Ensuring the effective implementation of this Act; and

(iii) Avoiding disproportionate application of this Act to certain categories of persons or entities.

(b) Consult with:

(i) The Competent Authority;

(ii) Relevant stakeholders; and

(iii) The [relevant parliamentary committee].

(c) Publish a draft of the proposed changes for public comment at least [X] days before their adoption.

(d) Provide a detailed justification for any changes made.

7.3 Any amendment made under this section shall be:

(a) Laid before [Parliament] for a period of [X] days, during which it may be annulled by a resolution of [Parliament];

(b) Published in the [Official Gazette]; and

(c) Accompanied by updated guidance from the Competent Authority on its practical application.

## **8. Transparency:**

8.1 The Competent Authority shall maintain a consolidated version of all definitions and legal fictions, incorporating any amendments, which shall be freely accessible to the public.

8.2 The Competent Authority shall maintain and regularly update a publicly accessible database of interpretative decisions to ensure consistency and transparency in the application of this Act.

8.3 The interpretative decisions database shall include a search function and cross-referencing system to facilitate easy access and understanding of related interpretations.

## **9. Special Interpretation Rules regarding Liability:**

9.1 Legal persons shall be held liable for offences under this Act committed for their benefit by any person who has a leading position within the legal person, acting either individually or as part of an organ of the legal person, based on:

- (a) A power of representation of the legal person;
- (b) An authority to make decisions on behalf of the legal person; or
- (c) An authority to exercise control within the legal person.

9.2 Legal persons shall also be held liable where the lack of supervision or control by a person referred to in subsection 9.1 has made possible the commission of an offence under this Act for the benefit of the legal person by a person under its authority.

9.3 Liability of a legal person under subsections 9.1 and 9.2 shall not exclude criminal proceedings against natural persons who are perpetrators, inciters or accessories in the offences referred to in those subsections.

9.4 For the purposes of this section:

- (a) “Benefit” includes direct financial gain, other economic advantages, and non-economic benefits such as reputational enhancement;
- (b) “Leading position” shall be determined based on the actual authority and responsibility of the individual, regardless of their formal title or position.

9.5 In determining the liability of a legal person, the court shall consider:

- (a) The nature and gravity of the offence;
- (b) The extent of the damage caused;
- (c) The level of cooperation of the legal person with investigating authorities;
- (d) The existence and effectiveness of compliance programs or other preventive measures; and
- (e) Any prior offences committed by the legal person.

9.6 The Competent Authority shall issue guidelines on the interpretation and application of corporate liability under this Act, including examples of best practices for preventing liability.

9.7 The Competent Authority shall establish minimum standards for compliance programs that, if met, may serve as mitigating factors in determining liability under this Act.

## **10. Burden of Proof:**

10.1 In any proceedings for an offence under this Act, the prosecution bears the burden of proving all elements of the offence beyond reasonable doubt.

10.2 Notwithstanding subsection 10.1, where a person is charged with an offence under this Act, the burden of proving a defense of lawful authorisation or reasonable excuse shall lie upon the accused, to be discharged on the balance of probabilities.

10.3 Where this Act creates a presumption with respect to any fact, the court shall regard such fact as proved unless the contrary is proved, with the burden on the party seeking to rebut the presumption to be discharged on the balance of probabilities.

10.4 In civil proceedings related to this Act, the standard of proof shall be on the balance of probabilities, unless otherwise specified.

10.5 Where a party to proceedings under this Act alleges that a person has engaged in conduct in contravention of this Act, the party bears the burden of proving the contravention.

10.6 Notwithstanding subsection 10.5, where proceedings relate to a contravention by a person in a special position of responsibility or knowledge (such as a licensee or certified entity), the person shall bear the burden of proving compliance with their obligations under this Act.

10.7 The Competent Authority may issue guidelines on the practical application of burden of proof rules in proceedings under this Act, including examples and case studies.

## **B. Scope and Application:**

### **11. Territorial Scope:**

11.1 This Act applies to all activities, persons, and entities within the territory of [State X], including:

- (a) Land territory;
- (b) Internal waters;
- (c) Territorial sea;
- (d) Airspace above these areas;
- (e) Exclusive economic zone; and
- (f) Continental shelf.

11.2 For the purposes of this Act, the following shall be considered part of the territory of [State X]:

- (a) Vessels registered in [State X], regardless of their location;
- (b) Aircraft registered in [State X], regardless of their location; and
- (c) Artificial islands, installations, and structures in the exclusive economic zone or on the continental shelf over which [State X] exercises jurisdiction.

11.3 This Act shall apply to activities in Antarctica where [State X] exercises jurisdiction under the Antarctic Treaty System.

11.4 This Act applies to activities having effects on [State X] or conducted by [State X] entities or individuals in outer space, including on celestial bodies, in accordance with international space law.

### **12. Personal Scope:**

12.1 This Act applies to:

- (a) All natural persons who are:
  - (i) Citizens of [State X], regardless of their location;
  - (ii) Permanent residents of [State X];
  - (iii) Stateless and have their habitual residence in [State X];
  - (iv) Temporarily present in [State X];
- (b) All legal persons:
  - (i) Incorporated or registered in [State X];
  - (ii) Having their principal place of business in [State X];
  - (iii) Controlled by natural or legal persons of [State X];
- (c) All public entities of [State X], including:
  - (i) Government ministries and departments;
  - (ii) Statutory bodies;
  - (iii) State-owned enterprises;
- (d) Foreign natural or legal persons engaging in activities covered by this Act within [State X] or having effects in [State X].

12.2 This Act applies to stateless persons who have their habitual residence in [State X] or who are present in [State X] at the time of the relevant activity.



12.3 This Act applies to the acts and omissions of persons covered by subsection 12.1, regardless of whether such acts or omissions occur within or outside [State X], if they have effects within [State X] or on interests protected by this Act.

## **OR**

12.1 This Act applies to:

- (a) All natural persons:
  - (i) Residing within the territory of [State X];
  - (ii) Engaged in activities covered by this Act within the territory of [State X], regardless of their place of residence;
  - (iii) Who are citizens of [State X], in respect of activities covered by this Act, regardless of their location;
- (b) All legal persons:
  - (i) Incorporated or registered in [State X];
  - (ii) Having their principal place of business in [State X];
  - (iii) Engaged in activities covered by this Act within the territory of [State X];
- (c) All public entities operating within the territory of [State X];
- (d) All actions affecting [protected interests] of persons within the territory of [State X], regardless of the actor's location.

## **13. Material Scope:**

13.1 This Act applies to all activities related to [specific subject matter, e.g., “environmental protection”, “financial services”, “public health”], including but not limited to:

- (a) [List specific activities covered];
- (b) Research and development in the field of [subject matter];
- (c) Manufacturing of products related to [subject matter];
- (d) Provision of services related to [subject matter];
- (e) Import, export, and transit of goods related to [subject matter];
- (f) Marketing and advertising of products or services related to [subject matter];
- (g) Disposal or recycling of products related to [subject matter];
- (h) All actions committed with regard to or by [State X] public servants, regardless of location;
- (i) All actions negatively affecting [State X] public or private entities;
- (k) All actions negatively affecting foreign public entities where either the agents or their principals:
  - (i) Reside in or have a place of business in [State X], or
  - (ii) Are citizens of or legal persons under the law of [State X].

13.2 This Act applies to both commercial and non-commercial activities falling within its scope.

13.3 The Competent Authority may issue guidelines clarifying the application of this Act to specific activities or sectors.

13.4 The Competent Authority shall review and update the scope of activities covered by this Act annually to ensure it encompasses emerging technologies and practices related to [subject matter].

13.5 Where an activity falls under multiple regulatory frameworks, this Act shall apply in conjunction with other relevant legislation, with the Competent Authority coordinating with other regulatory bodies to ensure consistent and comprehensive oversight.

#### **14. Temporal Scope:**

14.1 This Act applies to all activities, events, and circumstances occurring after its entry into force.

14.2 With respect to continuing situations that began before the entry into force of this Act and persist after its entry into force, this Act applies only to that part of the situation that occurs after its entry into force.

14.3 This Act does not apply retroactively, except where:

- (a) It expressly provides for retroactive application;
- (b) It is more favorable to the person concerned in matters of [e.g., “criminal liability”, “administrative sanctions”].

14.4 The non-retroactivity principle does not preclude the consideration of events that occurred before the entry into force of this Act for the purposes of:

- (a) Interpreting provisions of this Act;
- (b) Determining patterns of behavior;
- (c) Assessing the appropriateness of sanctions or remedies.

#### **15. Application to Online Activities:**

15.1 This Act applies to online activities and digital services where:

- (a) The activity originates from [State X];
- (b) The service provider is established in [State X];
- (c) The effects of the activity are felt in [State X].
- (d) The service is offered to users in [State X]; and
- (e) The service is directed at [State X], as evidenced by factors such as:
  - (i) Use of the language or currency of [State X];
  - (ii) Possibility of ordering goods or services from [State X]; and
  - (iii) Use of a top-level domain name associated with [State X].

15.2 For the purposes of this Act:

- (a) A service provider is deemed to be established in [State X] if it has its central administration or principal place of business in [State X], regardless of where its technological infrastructure is located;
- (b) The mere accessibility of a digital service in [State X] does not alone constitute directing activities at [State X].

15.3 In applying this Act to online activities, the Competent Authority shall take into account:

- (a) The global nature of the Internet;
- (b) The need to promote innovation and economic growth;
- (c) The protection of fundamental rights, including freedom of expression and privacy; and
- (d) The principle of technological neutrality.

15.4 The Competent Authority shall issue guidelines on the application of this Act to specific types of online activities and digital services.

15.5 This Act applies to decentralised technologies, including but not limited to blockchain-based services and decentralised autonomous organisations (DAOs), where:

- (a) The majority of nodes or validators are located in [State X];
- (b) The founders or core developers are citizens or residents of [State X];
- (c) The effects of the technology’s operation are primarily felt in [State X]; and
- (d) The effects of the technology’s operation felt in [State X] are significant.

15.6 This Act applies to artificial intelligence systems and automated decision-making processes that affect individuals or entities in [State X], regardless of where the system is developed or operated.

## **16. Interaction with Other Laws:**

16.1 This Act is without prejudice to:

- (a) [List relevant international treaties and conventions];
- (b) [List relevant regional agreements, e.g., EU regulations for EU member states];
- (c) [List relevant national laws].

16.2 In case of conflict between this Act and:

- (a) International treaties ratified by [State X], the provisions of the international treaties shall prevail;
- (b) Other national laws, the provisions of this Act shall prevail unless the other law expressly provides otherwise [and/or the other law is adopted later than the respective provisions of this Act].

16.3 Nothing in this Act shall be construed as limiting or derogating from any rights or protections provided under:

- (a) The Constitution of [State X];
- (b) [List other fundamental rights instruments].

16.4 The Competent Authority shall maintain and regularly update a publicly accessible database detailing the interaction between this Act and other relevant laws and regulations.

16.5 The Competent Authority may establish regulatory sandboxes to test innovative products, services, or business models that may not fully comply with existing regulations, provided that:

- (a) The sandbox participants adhere to specific consumer protection and risk mitigation measures;
- (b) The duration and scope of the sandbox are clearly defined; and
- (c) The results of the sandbox are used to inform potential regulatory updates.

## **17. Extraterritorial Application:**

17.1 This Act applies to conduct outside [State X] by a citizen, permanent resident, or entity incorporated or registered in [State X] if the conduct:

- (a) Forms part of an offence under this Act where a constituent element occurred in [State X];
- (b) Forms part of an offence under this Act that is intended to have, or has, a substantial effect in [State X]; and
- (c) Would constitute an offence under this Act if it occurred in [State X], and the person or entity has not been prosecuted for the conduct in another jurisdiction.

17.2 This Act applies to conduct outside [State X] by any person if the conduct:

- (a) Affects the [protected interests] of [State X] or its citizens;
- (b) Is directed against critical infrastructure of [State X]; and
- (c) Involves the bribery of a [State X] public official.

17.3 In exercising jurisdiction over extraterritorial conduct, the Competent Authority shall consider:

- (a) The extent of the connection between the conduct and [State X];
- (b) The impact of the conduct on [protected interests];
- (c) The principle of comity and the need to respect the sovereignty of other states; and
- (d) The likelihood of effective enforcement.

17.4 The Competent Authority shall issue guidelines on the exercise of extraterritorial jurisdiction under this Act, including examples and case studies.

17.5 In exercising extraterritorial jurisdiction, the Competent Authority shall:

- (a) Seek cooperation with relevant foreign authorities;
- (b) Consider entering into bilateral or multilateral agreements to facilitate the enforcement of this Act across borders; and
- (c) Respect the principles of international comity and sovereign equality of states.

## **18. Exemptions:**

18.1 This Act does not apply to:

- (a) [Specific exemptions, e.g., “activities of the armed forces during times of armed conflict”];
- (b) [Other exemptions].

18.2 The Government may, by [type of regulation], fully or partially exempt [specific entities or activities] from the application of this Act in case of [specific circumstances, e.g., “a public health emergency”], provided that:

- (a) The exemption is necessary for [specific purpose];
- (b) The exemption is proportionate to the aim pursued;
- (c) The exemption is limited in time and scope to the extent necessary to achieve its purpose;
- (d) The exemption does not unduly prejudice the [protected interests] this Act seeks to safeguard.

18.3 Any exemption granted under subsection 18.2 shall be:

- (a) Published in the [Official Gazette];
- (b) Notified to the [relevant parliamentary committee] within [X] days;
- (c) Subject to review by the [relevant parliamentary committee], which may recommend its revocation or modification, and subject to further review by the Parliament.

18.4 The Competent Authority shall maintain a public register of all exemptions granted under this section, including the reasons for granting them and their duration.

18.5 The Competent Authority shall conduct a biennial review of all exemptions granted under this Act to assess their continued necessity and impact on the Act’s objectives. The results of this review shall be published and submitted to [relevant parliamentary committee].

## **19. Severability:**

19.1 If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application.

19.2 To this end, the provisions of this Act are severable.

## **C. Definitions and connected Rules:**

### **20. Definitions:**

20.1 In this Act, unless the context otherwise requires:

‘Act’ means [official title of the Act] [and includes any regulations made under it].

‘Competent Authority’ means [name of the authority] established under Section [X] of this Act.

‘Entity’ means any legal person, including but not limited to corporations, partnerships, associations, and organisations, whether incorporated or unincorporated, and any other non-natural legal person.

‘License’ means an authorisation, permit, or approval issued under this Act.

‘Minister’ means the Minister responsible for [relevant portfolio].

‘Person’ includes both natural and legal persons.

‘Prescribed’ means prescribed by this Act or regulations made under this Act.

‘Public Entity’ means:

- (a) Any department or ministry of the government;
- (b) Any body established by or under any law;
- (c) Any body whose funds consist wholly or mainly of moneys provided from public funds;
- (d) Any board, commission, committee, or other body whether paid or unpaid, appointed by or on behalf of the Government.

‘Public Official’ means:

- (a) Any person holding a legislative, executive, administrative, or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority;
- (b) Any other person who performs a public function or provides a public service.

## **21. Rules connected to definitions:**

21.1 For the purposes of this Act: *(the following are just examples)*

- (a) A person offers an advantage if they, or any other person acting on their behalf, directly or indirectly gives, affords, or holds out, or agrees, undertakes, or promises to give, afford, or hold out, any advantage to or for the benefit of or in trust for any other person.
- (b) A person solicits an advantage if they, or any other person acting on their behalf, directly or indirectly demands, invites, asks for, or indicates willingness to receive, any advantage, whether for themselves or for any other person.
- (c) A person accepts an advantage if they, or any other person acting on their behalf, directly or indirectly takes, receives, or obtains, or agrees to take, receive, or obtain any advantage, whether for themselves or for any other person.

21.2 In this Act, unless the context otherwise requires:

- (a) Words in the singular include the plural and vice versa.
- (b) Words importing a gender include every other gender.
- (c) A reference to a person includes both natural and legal persons.
- (d) A reference to a section by number is a reference to the section of this Act so numbered.
- (e) A reference to any legislation or regulation includes any amendment, replacement, or re-enactment of that legislation or regulation.
- (f) A reference to any other document does not include any amendment, replacement, or re-enactment thereof.

## **22. Empowerments:**

22.1 The Competent Authority may issue interpretative guidelines to clarify the meaning and application of these definitions in specific contexts.

22.2 The Minister may, by regulation, amend or add to these definitions as necessary to ensure the effective implementation of this Act, subject to the following conditions:

(a) Any proposed amendment or addition must be published for public comment at least 30 days before it is made.

(b) The Minister must consider all comments received during the public comment period.

(c) Any amendment or addition must be laid before Parliament and is subject to annulment by resolution of Parliament within 40 sitting days.

22.3 A consolidated list of all definitions, including any amendments or additions, shall be maintained by the Competent Authority and made freely accessible to the public.

## **D. Authorisation/Licensing Procedures:**

### **23. General Provisions for Licensing:**

23.1 No person shall engage in [regulated activity] without a valid license issued under this Act.

23.2 The Competent Authority shall be responsible for:

(a) Receiving and processing license applications;

(b) Issuing, renewing, suspending, and revoking licenses; and

(c) Maintaining a public register of all licenses and licensees.

23.3 Types of Licenses:

(a) Standard License: for [describe activities];

(b) Restricted License: for [describe limited activities];

(c) Temporary License: valid for a period not exceeding [X] months; and

(d) Special License: for [describe unique or high-risk activities].

23.4 Duration of Licenses:

(a) Standard and Restricted Licenses shall be valid for [X] years from the date of issue;

(b) Temporary Licenses shall be valid for the period specified, not exceeding [X] months;

(c) Special Licenses shall be valid for the period specified by the Competent Authority, not exceeding [X] years.

### **24. License Application Process:**

24.1 Application Requirements:

An application for a license shall be made to the Competent Authority in the prescribed form and shall include:

(a) Full name and contact details of the applicant;

(b) For legal persons:

(i) Certificate of incorporation or registration;

(ii) Details of directors, partners, or trustees;

(iii) Organisational structure;

(iv) Property structure;

(c) Description of proposed activities;

(d) Evidence of financial resources, material resources, personnel and technical capacities;

(e) Criminal record check for individuals or key personnel of legal persons;

(f) Proof of insurance or other financial security as required;

(g) A detailed business plan outlining the proposed activities, market analysis, and financial projections;

(h) Environmental impact assessment, where applicable;

(i) Social impact assessment, where applicable; and

(j) Any other information or document prescribed by regulations.

#### 24.2 Application Fee:

- (a) Each application shall be accompanied by the prescribed fee;
- (b) The fee shall be non-refundable, regardless of the outcome of the application[, unless the negative outcome of the application is a matter of responsibility of the Competent Authority exclusively];
- (c) The Competent Authority may waive or reduce the fee in cases of demonstrated financial hardship.

#### 24.3 Processing of Applications:

- (a) The Competent Authority shall acknowledge receipt of an application within [X] working days;
- (b) If the application is incomplete, the Competent Authority shall notify the applicant within [Y] working days, specifying the additional information required;
- (c) The Competent Authority shall process complete applications within [Z] days of receipt;
- (d) The Competent Authority may extend the processing period by up to [W] days if additional verification is required, notifying the applicant of such extension.

#### 24.4 Evaluation Criteria:

In evaluating a license application, the Competent Authority shall consider:

- (a) The applicant's suitability, including financial standing, material resources, personnel and technical capacities;
- (b) The applicant's compliance history with this Act and other relevant laws;
- (c) Public interest considerations;
- (d) Environmental and social impact assessments, where applicable;
- (e) Any other factors prescribed by regulations.

#### 24.5 Public Consultation:

- (a) For Special Licenses or licenses for high-impact activities, the Competent Authority shall publish a notice of the application and invite public comments within [X] days;
- (b) The Competent Authority shall consider all relevant public comments in its decision-making process;
- (c) The Competent Authority shall publish a summary of the public comments received and the summarised responses to those comments as part of the decision-making process.

### **25. Issuance of Licenses:**

#### 25.1 Decision on Application:

- (a) The Competent Authority shall inform the applicant of its decision in writing;
- (b) If the application is approved, the license shall be issued upon payment of the prescribed license fee;
- (c) If the application is rejected, the Competent Authority shall provide reasons for the rejection.

#### 25.2 License Conditions:

- (a) The Competent Authority may impose conditions on a license, including:
  - (i) Operational restrictions;
  - (ii) Reporting requirements;
  - (iii) Environmental protection measures;
  - (iv) Safety and security measures;
- (b) License conditions shall be clearly stated in the license document;
- (c) The Competent Authority may impose additional conditions based on the specific nature of the licensed activity, including:
  - (i) Community engagement requirements;
  - (ii) Periodic third-party audits; and

(iii) Implementation of specific technological measures to ensure compliance.

(d) The licensee shall comply with all conditions attached to the license.

### 25.3 License Register:

(a) The Competent Authority shall maintain a public register of all licenses issued and of respective licensees;

(b) The register shall include:

- (i) Name and contact details of the licensee;
- (ii) Type and duration of the license;
- (iii) Scope of licensed activities; and
- (iv) Any restrictions or special conditions; and

(c) The register shall be accessible online and updated regularly.

## 26. Renewal of Licenses:

### 26.1 Renewal Application:

(a) A licensee may apply for renewal of a license not later than [X] months before its expiry;

(b) The renewal application shall be in the prescribed form and accompanied by the prescribed fee;

(c) The Competent Authority may require updated information or documents as part of the renewal process;

(d) The Competent Authority shall provide a decision on the renewal application at least [Y] days before the expiry of the current license to ensure continuity of operations, and no later than [X] [time unit name] after the renewal application submission.

### 26.2 Renewal Criteria:

In considering a renewal application, the Competent Authority shall take into account:

- (a) The licensee's compliance history;
- (b) Any changes in circumstances since the original license was issued;
- (c) The continued suitability of the licensee; and
- (d) Public interest considerations.

### 26.3 Renewal Decision:

(a) The Competent Authority shall inform the licensee of its decision on the renewal at least [Y] days before the expiry of the current license, and no later than [X] [time unit name] after the renewal application submission;

[OR]

(a) The Competent Authority shall inform the licensee of its decision on the renewal not later than [X] [time unit name] after the decision is provided;

(b) If renewal is granted, the Competent Authority may modify the conditions of the license;

(c) If renewal is refused, the Competent Authority shall provide [sound] reasons for the refusal.

## 27. Modification, Suspension and Revocation of Licenses:

### 27.1 Modification by Competent Authority:

(a) The Competent Authority may modify a license at any time if:

- (i) There is a change in legislation or regulations;
- (ii) It is necessary to prevent or mitigate environmental harm;
- (iii) It is in the public interest;

(b) The Competent Authority shall give the licensee written notice of the proposed modification and reasons for it;

(c) The licensee shall have [X] days to make representations regarding the proposed modification.

### 27.2 Modification on Request of Licensee:



- (a) A licensee may apply for modification of license conditions;
- (b) The application shall be in writing, stating the reasons for the requested modification;
- (c) The Competent Authority shall consider the application within [Y] days and may:
  - (i) Approve the modification;
  - (ii) Approve the modification with changes [provided the licensee has agreed to them];
  - (iii) Reject the modification, providing reasons for the rejection.
- (d) The Competent Authority shall publish a notice of any approved modifications and the reasons for such modifications.

#### 27.3 Grounds for Suspension or Revocation:

- (a) The Competent Authority may suspend or revoke a license if:
  - (i) The licensee has breached a condition of the license;
  - (ii) The licensee has contravened a provision of this Act or regulations;
  - (iii) The licensee is no longer fit and proper to hold the license;
  - (iv) It is necessary to prevent harm to public health, safety, or the environment;
  - (v) The licensee has failed to comply with any corrective actions imposed by the Competent Authority within the specified timeframe;
- (b) The Competent Authority may suspend a license if it has reasonable grounds to suspect that any of the conditions referred to in point (a) have been met.

#### 27.4 Mandatory Revocation:

- (a) The Competent Authority must revoke a license if:
  - (i) The licensee has endangered a person;
  - (ii) The licensee has instructed staff to violate this Act;
  - (iii) The license was obtained through corruption, fraud or misrepresentation.
- (b) The Competent Authority must suspend a license if it has reasonable grounds to suspect that any of the conditions referred to in point (a) have been met.

#### 27.5 Procedure for Suspension or Revocation:

- (a) The Competent Authority shall give the licensee written notice of the proposed suspension or revocation, stating:
  - (i) The grounds for the proposed action;
  - (ii) The facts relied upon;
  - (iii) The licensee's right to make representations;
- (b) The licensee shall have [X] days to make representations;
- (c) The Competent Authority shall consider any representations before making a final decision;
- (d) The Competent Authority shall notify the licensee in writing of its final decision, including reasons.

#### 27.6 Effect of Suspension or Revocation:

- (a) A suspended license shall not be valid for the period of suspension;
- (b) A revoked license shall cease to be valid from the date of revocation;
- (c) The licensee shall immediately cease all activities authorised by the license upon suspension or revocation;
- (d) The licensee shall return the license document to the Competent Authority within [Y] days of suspension or revocation.

#### 27.7 Appeal Process:

- (a) The licensee may appeal the suspension or revocation decision to the [Appeals Tribunal/Court] within [Z] days of being notified of the decision;
- (b) The appeal shall be heard and decided within [W] days to ensure timely resolution.

## **28. Appeals:**

### **28.1 Right of Appeal:**

Any person aggrieved by a decision of the Competent Authority regarding:

- (a) The refusal to grant or renew a license;
- (b) The imposition of conditions on a license;
- (c) The modification, suspension, or revocation of a license;
- (d) The imposition of fines or penalties; and
- (e) Any other administrative action taken under this Act;

may appeal to the [Appeals Tribunal/Court] within [Z] days of being notified of the decision.

### **28.2 Appeal Procedure:**

- (a) The appeal shall be in writing, stating the grounds of appeal;
- (b) The appellant shall serve a copy of the appeal on the Competent Authority;
- (c) The Competent Authority shall, within [W] days, file with the [Appeals Tribunal/Court] a reply and all relevant documents;
- (d) The [Appeals Tribunal/Court] may, in its discretion, allow the introduction of new evidence.

### **28.3 Powers of [Appeals Tribunal/Court]:**

The [Appeals Tribunal/Court] may:

- (a) Confirm, vary, or set aside the decision of the Competent Authority;
- (b) Refer the matter back to the Competent Authority for reconsideration;
- (c) Make any other order it deems just, appropriate and complying with law.

### **28.4 Effect of Appeal:**

- (a) The filing of an appeal shall not automatically stay the decision of the Competent Authority;
- (b) The appellant may apply to the [Appeals Tribunal/Court] for a stay of the decision pending the outcome of the appeal;
- (c) The [Appeals Tribunal/Court] may grant a stay if it is satisfied that:
  - (i) There is a serious question to be tried;
  - (ii) The appellant would suffer irreparable harm if the stay is not granted;
  - (iii) The balance of convenience favors granting the stay.
- (d) The [Appeals Tribunal/Court] shall publish its decisions and the reasons for those decisions to ensure transparency and accountability.

## **28a. Fees:**

### **28a.1 Setting of Fees:**

- (a) The Minister may, by regulation, prescribe fees for:
  - (i) License applications;
  - (ii) License issuance and renewal;
  - (iii) Modification of licenses;
  - (iv) Late renewal;
  - (v) Replacement of lost or damaged license documents;
- (b) Different fees may be prescribed for different types or classes of licenses;
- (c) Fees shall be reviewed annually and may be adjusted to reflect changes in administrative costs.
- (d) The Competent Authority shall publish an annual report detailing the fee structure, the rationale for any changes, and how the fees are utilised to support regulatory activities.

### **28a.2 Payment of Fees:**

- (a) All fees shall be paid in the prescribed manner;
- (b) A license shall not be issued or renewed until the relevant fee has been paid;
- (c) The Competent Authority may, in cases of demonstrated financial hardship, allow payment of fees in installments.

(d) The Competent Authority may establish criteria for granting fee waivers or reductions in cases of demonstrated financial hardship or for activities that provide significant public benefits.

#### 28a.3 Refund of Fees:

(a) Application fees shall not be refundable, unless the negative outcome of the application is a matter of responsibility of the Competent Authority exclusively;

(b) License fees may be partially refunded if a license is surrendered before its expiry, on a pro-rata basis;

(c) The Competent Authority may, in exceptional circumstances, authorise a full or partial refund of any fee paid under this Act.

### **28b. Transitional Provisions<sup>2</sup>:**

#### 28b.1 Existing Operators:

(a) Any person engaged in [regulated activity] at the commencement of this Act shall apply for a license within [X] months of such commencement;

(b) Such person may continue to operate pending the determination of their license application;

(c) If the license application is rejected, the person shall cease operations within [Y] days of being notified of the rejection, unless an appeal is filed;

(d) The Competent Authority shall provide guidance and support to existing operators to facilitate their transition to the new licensing regime.

#### 28b.2 Conversion of Existing Authorisations:

(a) Any authorisation, permit, or license issued under [previous legislation] shall remain valid until its expiry or for [Z] months after the commencement of this Act, whichever is earlier;

(b) The holder of such authorisation may apply to convert it to a license under this Act at any time before its expiry;

(c) The Competent Authority shall prescribe the procedure for such conversion;

(d) The Competent Authority shall ensure that the conversion process is transparent, efficient, and minimises disruption to existing operations.

### **28c. Review<sup>3</sup>:**

The Competent Authority shall conduct a periodic review, at least every [X] years, of the licensing requirements and procedures to ensure they remain relevant and effective in light of technological advancements and market changes.

## **E. Certification by Private Conformity Assessment Bodies:**

### **29. Designation of Conformity Assessment Bodies**

29.1 The Competent Authority may designate private entities as Conformity Assessment Bodies (CABs) for the purposes of this Act.

#### 29.2 Types of CABs:

There are the following types of CABs:

(a) Type A: authorised to conduct all conformity assessment activities;

(b) Type B: authorised to conduct specific conformity assessment activities as specified in their designation;

(c) Type C: authorised to conduct conformity assessment activities for specific sectors or products.

(d) Type D: authorised to conduct also remote or virtual conformity assessment activities using digital technologies.

<sup>2</sup> Redundant if the transitional provisions at the end of the document are used.

<sup>3</sup> Redundant if the review clauses at the end of the document are used.

### 29.3 Criteria for Designation:

To be designated as a CAB, an entity must:

- (a) Be a legal person registered in [State X];
- (b) Have the necessary technical competence and resources to perform conformity assessment activities;
- (c) Be impartial and free from any conflict of interest in relation to its conformity assessment activities;
- (d) Maintain appropriate liability insurance;
- (e) Comply with relevant international standards, including ISO/IEC 17000 series;
- (f) Have a quality management system in place;
- (g) Employ competent personnel with relevant qualifications and experience;
- (h) Meet any other criteria prescribed by regulations;
- (i) Demonstrate financial stability and sustainability; and
- (j) Have robust cybersecurity measures in place to protect sensitive data.

### 29.4 Application for Designation:

(a) An application for designation as a CAB shall be made to the Competent Authority in the prescribed form;

(b) The application shall be accompanied by:

- (i) Proof of legal status;
  - (ii) Detailed description of the applicant's conformity assessment activities;
  - (iii) Evidence of technical competence;
  - (iv) Quality manual and relevant procedures;
  - (v) List of qualified personnel;
  - (vi) Proof of liability insurance;
  - (vii) Declaration of impartiality;
  - (viii) Any other information or document prescribed by regulations;
  - (ix) Cybersecurity policy and procedures;
  - (x) Business continuity and disaster recovery plans.
- (c) The application shall be accompanied by the prescribed fee.

### 29.5 Assessment of Applications:

(a) The Competent Authority shall assess each application for designation;

(b) The assessment may include:

- (i) Document review;
- (ii) On-site assessment;
- (iii) Witness audits;
- (iv) Proficiency testing; and
- (v) Virtual assessment of digital capabilities and cybersecurity measures.

(c) The Competent Authority may request additional information or clarification from the applicant;

(d) The assessment shall be completed within [X] days of receipt of a complete application;

(e) The Competent Authority shall publish a summary of the assessment process and criteria on its website within [X] days after the assessment completion.

### 29.6 Decision on Designation:

(a) The Competent Authority shall within [X] days after the assessment completion inform the applicant of its decision in writing;

(b) If the application is approved, the Competent Authority shall issue a certificate of designation specifying:

- (i) The name and address of the CAB;

- (ii) The type of designation (A, B, C, or D);
  - (iii) The scope of conformity assessment activities authorised;
  - (iv) Any conditions attached to the designation;
  - (v) The period of validity of the designation; and
  - (vi) A unique identification number for the CAB.
- (c) If the application is rejected, the Competent Authority shall provide reasons for the rejection.
- (d) The Competent Authority shall maintain a public register of all designated CABs, accessible on its website.

#### 29.7 Validity and Renewal of Designation:

- (a) A designation shall be valid for [Y] years from the date of issue;
- (b) A CAB may apply for renewal of its designation at least [Z] months before its expiry;
- (c) The renewal process shall include a reassessment of the CAB's compliance with the criteria for designation;
- (d) The Competent Authority may renew the designation with or without modifications, or refuse to renew it, providing reasons for any refusal.
- (e) The Competent Authority shall conduct periodic unannounced assessments of designated CABs to ensure ongoing compliance.

### **30. Obligations of Conformity Assessment Bodies:**

#### 30.1 General Obligations: A designated CAB shall:

- (a) Conduct conformity assessment activities in accordance with this Act, regulations, and the terms of its designation;
- (b) Maintain its compliance with the criteria for designation at all times;
- (c) Inform the Competent Authority of any changes that may affect its compliance with the criteria for designation;
- (d) Cooperate with the Competent Authority in its monitoring and oversight activities;
- (e) Maintain records of all conformity assessment activities for at least [W] years;
- (f) Submit annual reports to the Competent Authority on its conformity assessment activities;
- (g) Participate in relevant proficiency testing programs as directed by the Competent Authority;
- (h) Maintain the confidentiality of information obtained during conformity assessment activities, except as required by law;
- (i) Implement a continuous improvement program for its conformity assessment processes;
- (j) Participate in relevant industry forums and standards development activities.

#### 30.2 Specific Obligations:

- (a) Impartiality:
  - (i) A CAB shall be impartial and avoid any conflict of interest in its conformity assessment activities;
  - (ii) A CAB shall not provide consultancy services to entities it assesses or has assessed during the last [X] years;
  - (iii) A CAB shall document and implement safeguards against conflicts of interest;
  - (iv) A CAB shall rotate assessment personnel to prevent familiarity threats.
- (b) Competence:
  - (i) A CAB shall employ personnel with the necessary education, training, technical knowledge, and experience;
  - (ii) A CAB shall maintain and implement procedures for training and monitoring of its personnel;
  - (iii) A CAB shall ensure that its personnel are free from any commercial, financial, or other pressures that might influence their judgment;
  - (iv) A CAB shall implement a competency management system, including regular evaluations and continuous professional development.

- (c) Responsiveness:
  - (i) A CAB shall be responsive to complaints and appeals;
  - (ii) A CAB shall maintain and implement a documented procedure for handling complaints and appeals;
  - (iii) A CAB shall inform the Competent Authority of any complaints that may indicate systemic issues;
  - (iv) A CAB shall publish anonymised summaries of complaints and their resolutions annually.

### 30.3 Use of Subcontractors:

- (a) A CAB may subcontract specific tasks related to conformity assessment, provided that:
  - (i) The subcontractor meets the relevant requirements of this Act;
  - (ii) The CAB informs the client and obtains their consent;
  - (iii) The CAB retains full responsibility for the subcontracted work;
  - (iv) The CAB has procedures to assess and monitor the competence of subcontractors.
- (b) The CAB shall maintain a register of its subcontractors and make this available to the Competent Authority upon request.
- (c) The CAB shall conduct annual audits of its subcontractors to ensure ongoing compliance.

## **31. Conformity Assessment Procedures:**

### 31.1 General Principles:

- (a) Conformity assessment procedures shall be proportionate to the risks involved;
- (b) Procedures shall be based on relevant international or national standards;
- (c) Procedures shall be conducted in a transparent and non-discriminatory manner;
- (d) Procedures shall respect the confidentiality of proprietary information;
- (e) Procedures shall be designed to minimise the burden on economic operators.

### 31.2 Types of Conformity Assessment: CABs may conduct the following types of conformity assessment, as authorised in their designation:

- (a) Testing;
- (b) Inspection;
- (c) Certification of products, processes, or systems;
- (d) Certification of persons;
- (e) Any other type of conformity assessment prescribed by regulations;
- (f) Remote or virtual assessments using digital technologies, where appropriate.

### 31.3 Conformity Assessment Process:

- (a) Application:
  - (i) An entity seeking conformity assessment shall apply to a designated CAB;
  - (ii) The application shall include all information necessary for the conformity assessment;
  - (iii) The CAB shall provide an estimated timeline and cost for the assessment.
- (b) Review of Application:
  - (i) The CAB shall review the application to ensure it is complete and within its scope of designation;
  - (ii) The CAB may request additional information if necessary;
  - (iii) The CAB shall inform the applicant of any potential conflict of interests.
- (c) Assessment:
  - (i) The CAB shall conduct the assessment according to the relevant procedure;
  - (ii) The assessment may include document review, on-site assessment, testing, or inspection as appropriate;
  - (iii) The CAB shall use a risk-based approach in determining the depth and frequency of assessments.
- (d) Evaluation:

- (i) The CAB shall evaluate the results of the assessment against the relevant requirements;
- (ii) The evaluation shall be conducted by personnel not involved in the assessment;
- (iii) The CAB shall document the evaluation process and results.

(e) Decision:

- (i) The CAB shall make a decision based on the evaluation results;
- (ii) The decision shall be made by a person or persons not involved in the assessment or

evaluation;

- (iii) The CAB shall provide a detailed report supporting its decision.

(f) Attestation:

(i) If the decision is positive, the CAB shall issue the appropriate attestation (e.g., certificate, mark of conformity);

- (ii) The attestation shall clearly state the scope of conformity assessed;

- (iii) The CAB shall maintain a public database of valid attestations.

(g) Surveillance:

- (i) Where ongoing conformity is required, the CAB shall conduct periodic surveillance;

- (ii) The frequency and extent of surveillance shall be proportionate to the risks involved;

- (iii) The CAB shall have procedures for unannounced surveillance activities.

### 31.4 Suspension or Withdrawal of Attestations:

(a) A CAB may suspend or withdraw an attestation if:

- (i) The holder no longer meets the relevant requirements;

- (ii) The holder misuses the attestation;

- (iii) The holder fails to allow surveillance or reassessment;

- (iv) New information indicates that the product or system no longer conforms to requirements.

(b) The CAB shall inform the holder and the Competent Authority of any suspension or withdrawal;

(c) The CAB shall provide the holder with the opportunity to take corrective action before final withdrawal;

(d) The CAB shall publish information about suspended or withdrawn attestations on its website.

## 32. Oversight of Conformity Assessment Bodies:

### 32.1 Monitoring and Assessment:

(a) The Competent Authority shall monitor the activities of designated CABs to ensure ongoing compliance with this Act;

(b) Monitoring activities may include:

- (i) Periodic on-site assessments;

- (ii) Witness audits;

- (iii) Review of CAB reports and records;

- (iv) Investigation of complaints; and

- (v) Mystery shopping or undercover assessments.

(c) The Competent Authority shall conduct a full reassessment of each CAB at least once every [X] years;

(d) The Competent Authority shall implement a risk-based approach to determine the frequency and intensity of monitoring activities.

### 32.2 Reporting Requirements:

(a) Each CAB shall submit an annual report to the Competent Authority, including:

- (i) Summary of conformity assessment activities conducted;

- (ii) Any changes in personnel, facilities, or procedures;

- (iii) Results of internal audits and management reviews;

- (iv) Information on complaints and appeals;

- (v) Any other information prescribed by regulations; and

(vi) Financial statements and key performance indicators.

(b) CABs shall immediately report to the Competent Authority any matter that may affect their compliance with the criteria for designation.

(c) The Competent Authority shall publish an annual report on the overall performance of the CAB system.

### 32.3 Non-Compliance and Sanctions:

(a) If a CAB is found to be non-compliant with this Act or the terms of its designation, the Competent Authority may:

(i) Issue a warning;

(ii) Require corrective action within a specified timeframe;

(iii) Limit the scope of the CAB's designation;

(iv) Suspend the CAB's designation;

(v) Withdraw the CAB's designation; and

(vi) Impose financial penalties proportionate to the severity of the non-compliance.

(b) Before imposing any sanction, the Competent Authority shall:

(i) Inform the CAB of the alleged non-compliance;

(ii) Provide the CAB with an opportunity to respond;

(iii) Consider any response or corrective action taken by the CAB;

(iv) Ensure that the decision-making process is independent of the investigation process.

(c) The Competent Authority shall maintain a public record of any sanctions imposed on CABs.

(d) The Competent Authority shall establish an appeals process for CABs to challenge sanctions.

## 33. Appeals and Dispute Resolution:

### 33.1 Appeals Against CAB Decisions:

(a) Any person aggrieved by a decision of a CAB may appeal to the CAB's internal appeals process;

(b) If dissatisfied with the outcome of the internal appeal, the person may appeal to the Competent Authority within [Y] days;

(c) The Competent Authority shall establish an Appeals Committee to hear such appeals;

(d) The Appeals Committee may:

(i) Confirm the CAB's decision;

(ii) Vary the CAB's decision;

(iii) Set aside the CAB's decision and refer the matter back to the CAB for reconsideration;

(iv) In exceptional cases, substitute its own decision for that of the CAB.

(e) The Appeals Committee shall publish anonymised summaries of its decisions to promote consistency and transparency.

### 33.2 Appeals Against Competent Authority Decisions:

(a) Any person aggrieved by a decision of the Competent Authority regarding CABs may appeal to the [Administrative Tribunal/Court] within [Z] days;

(b) The [Administrative Tribunal/Court] may:

(i) Confirm the Competent Authority's decision;

(ii) Vary the Competent Authority's decision;

(iii) Set aside the Competent Authority's decision and substitute its own decision;

(iv) Refer the matter back to the Competent Authority for reconsideration.

(c) The decision of the [Administrative Tribunal/Court] shall be final and binding.

### 33.3 Dispute Resolution:

(a) The Competent Authority shall establish mechanisms for resolving disputes between:

(i) CABs and their clients;

(ii) Different CABs;



- (iii) CABs and the Competent Authority;
- (iv) CABs and other stakeholders in the conformity assessment system.
- (b) These mechanisms may include mediation, arbitration, or other alternative dispute resolution methods;
- (c) The use of these mechanisms shall not prejudice any party's right to seek judicial review;
- (d) The Competent Authority shall publish guidelines on the dispute resolution processes available.

### **34. Recognition of Foreign Conformity Assessment Results:**

34.1 Criteria for Recognition: The Competent Authority may recognise conformity assessment results from foreign CABs if:

- (a) The foreign CAB is accredited by an accreditation body that is a signatory to relevant international mutual recognition arrangements;
- (b) The conformity assessment was conducted according to procedures equivalent to those required under this Act;
- (c) The recognition is in the public interest and does not compromise safety, health, or environmental protection;
- (d) There is a reciprocal arrangement with the country of the foreign CAB, unless unilateral recognition is deemed beneficial.

34.2 Procedure for Recognition:

- (a) The Competent Authority may:
  - (i) Enter into mutual recognition agreements with foreign authorities;
  - (ii) Unilaterally recognise foreign conformity assessment results; and
  - (iii) Participate in regional or international conformity assessment schemes.
- (b) Before recognising foreign conformity assessment results, the Competent Authority shall:
  - (i) Conduct an assessment of the foreign conformity assessment system;
  - (ii) Consult relevant stakeholders;
  - (iii) Publish a notice of its intention to recognise and consider any public comments received;
  - (iv) Conduct a pilot phase to test the effectiveness of the recognition arrangement.

34.3 Effect of Recognition:

- (a) Recognised foreign conformity assessment results shall be treated as equivalent to domestic results;
- (b) The Competent Authority may impose conditions on the recognition;
- (c) The Competent Authority shall maintain a public register of recognised foreign CABs and mutual recognition agreements;
- (d) The Competent Authority shall periodically review the effectiveness and continued relevance of recognition arrangements.

34.4 Suspension or Withdrawal of Recognition:

- (a) The Competent Authority may suspend or withdraw recognition if:
  - (i) The foreign CAB no longer meets the criteria for recognition;
  - (ii) There is evidence of systemic failures in the foreign conformity assessment system;
  - (iii) The foreign CAB has repeatedly failed to comply with the terms of recognition.
- (b) Before suspending or withdrawing recognition, the Competent Authority shall:
  - (i) Notify the foreign CAB or authority of the intended action and reasons;
  - (ii) Provide an opportunity for the foreign CAB to address the issues within a specified timeframe;
  - (iii) Consider any representations made by the foreign CAB or authority.
- (c) The Competent Authority shall:
  - (i) Publish notice of any suspension or withdrawal of recognition;
  - (ii) Update the public register of recognised foreign CABs accordingly;

(iii) Notify relevant stakeholders of the change in recognition status.

### **35. Confidentiality, Data Protection and Access to Information:**

#### 35.1 Confidentiality Obligations:

(a) CABs, their personnel, and any subcontractors shall maintain the confidentiality of all information obtained or created during conformity assessment activities, except:

(i) As required by law;

(ii) With the written consent of the person to whom the information relates (all such persons if multiple);

(b) CABs shall inform their clients in advance of any information the CAB may be required to disclose by law.

#### 35.2 Data Protection:

(a) CABs shall comply with applicable data protection laws;

(b) CABs shall implement appropriate technical and organisational measures to protect personal data;

(c) CABs shall not transfer personal data to third countries without adequate safeguards.

#### 35.3 Access to Information:

(a) Notwithstanding the confidentiality obligations, CABs shall provide access to conformity assessment information to:

(i) The Competent Authority for oversight purposes;

(ii) Courts or tribunals in the context of legal proceedings;

(b) Any person accessing such information shall be bound by equivalent confidentiality obligations.

### **36. Liability and Insurance:**

#### 36.1 Liability of CABs:

(a) CABs shall be liable for any damage caused by their negligence in carrying out conformity assessment activities.

(b) This liability shall extend to activities carried out by their subcontractors.

(c) CABs shall not be liable for damages resulting from:

(i) Client's failure to comply with the requirements for certification;

(ii) Force majeure events;

(iii) Normal wear and tear of certified products.

#### 36.2 Insurance Requirements:

(a) CABs shall maintain professional indemnity insurance covering their liability under this Act.

(b) The minimum level of insurance coverage shall be prescribed by regulations and shall be:

(i) Proportionate to the nature and scale of the CAB's activities; and

(ii) Sufficient to cover potential claims in all jurisdictions where the CAB operates.

(c) CABs shall provide proof of insurance to the Competent Authority annually.

(d) The insurance policy shall include coverage for:

(i) Professional errors and omissions;

(ii) Product liability related to certified products; and

(iii) Legal defense costs.

#### 36.3 Limitation of Liability:

(a) Nothing in this Act shall be construed as limiting the liability of CABs for:

(i) Fraud or willful misconduct;

(ii) Gross negligence resulting in death or personal injury.

(b) Any contractual provision purporting to limit a CAB's liability in contravention of this Act shall be void.

(c) CABs may include reasonable limitations of liability in their contracts, provided such limitations:

- (i) Are clearly communicated to clients;
- (ii) Do not exclude liability for core conformity assessment activities;
- (iii) Are consistent with applicable laws and regulations.

### **37. Fees:**

#### **37.1 Setting of Fees:**

(a) The Minister may, by regulation, prescribe fees for:

- (i) Applications for designation as a CAB;
- (ii) Renewal of designation;
- (iii) Expansion of scope of designation;
- (iv) Appeals to the Competent Authority.

(b) Fees shall be set at a level that ensures cost recovery for the Competent Authority's activities related to CABs.

(c) The fee structure shall be reviewed annually and may be adjusted to reflect:

- (i) Changes in the cost of regulatory oversight;
- (ii) Inflation and other economic factors; and
- (iii) The need to maintain the financial sustainability of the regulatory system.

#### **37.2 CAB Fees:**

(a) CABs may set their own fees for conformity assessment activities.

(b) These fees shall be:

- (i) Reasonable and non-discriminatory;
- (ii) Transparent and clearly communicated to clients; and
- (iii) Based on objective criteria such as complexity and duration of assessment.

(c) CABs shall make their fee structure publicly available.

(d) The Competent Authority may issue guidelines on fee-setting practices to ensure fairness and consistency across the sector.

### **38. Transitional Provisions:**

#### **38.1 Existing Conformity Assessment Bodies:**

(a) Any entity performing conformity assessment activities at the commencement of this Act shall apply for designation as a CAB within [X] months of such commencement.

(b) Such entities may continue to perform conformity assessment activities pending the determination of their application.

(c) If the application is rejected, the entity shall cease conformity assessment activities within [Y] days of being notified of the rejection, unless an appeal is filed.

(d) The Competent Authority may grant temporary designations to existing CABs to ensure continuity of services during the transition period.

#### **38.2 Validity of Existing Conformity Assessment Results:**

(a) Conformity assessment results issued before the commencement of this Act shall remain valid until their expiry or for [Z] months after the commencement of this Act, whichever is earlier.

(b) The Competent Authority may, by notice in the [Official Gazette], extend the validity of such results for a specified period if it is in the public interest to do so.

(c) Holders of existing conformity assessment results may apply for their conversion to the new system within [W] months of the Act's commencement.

#### **38.3 Gradual Implementation:**

(a) The Competent Authority may implement the provisions of this Act relating to CABs in phases, taking into account:

- (i) The readiness of different sectors;
- (ii) The availability of resources for oversight; and
- (iii) The need to ensure continuity of conformity assessment services.

(b) The Competent Authority shall publish a schedule for the phased implementation, which shall not extend beyond [W] years from the commencement of this Act.

(c) During the implementation phase, the Competent Authority shall:

- (i) Provide guidance and support to CABs transitioning to the new system;
- (ii) Conduct regular stakeholder consultations to address implementation challenges;
- (iii) Report annually to the Minister on the progress of implementation.

## **F. Recognition of Foreign Approvals and Certificates**

### **39. General Principles:**

39.1 Criteria for Recognition:

The Competent Authority may recognise foreign approvals and certificates if:

- (a) They are issued by a competent authority or recognised body in the issuing country;
- (b) The issuing country's regulatory system provides a level of protection equivalent to that of [State X];
- (c) The recognition is in the public interest and does not compromise safety, health, or environmental protection;
- (d) There is a reciprocal arrangement with the issuing country, unless unilateral recognition is deemed beneficial to [State X];
- (e) The foreign approval or certificate complies with relevant international standards recognised by [State X];
- (f) The issuing authority demonstrates a consistent track record of effective oversight and enforcement.

39.2 Scope of Recognition:

Recognition may be granted for:

- (a) Product certifications;
- (b) Management system certifications;
- (c) Personnel qualifications;
- (d) Test reports and inspection reports;
- (e) Any other approval or certificate prescribed by regulations; and
- (f) Conformity assessment procedures and results.

### **40. Procedures for Recognition:**

40.1 Bilateral Agreements:

(a) The Minister may enter into bilateral agreements with other countries for the mutual recognition of approvals and certificates;

(b) Such agreements shall specify:

- (i) The types of approvals and certificates covered;
- (ii) The conditions for recognition;
- (iii) The procedures for information exchange and cooperation between authorities;
- (iv) Dispute resolution mechanisms;
- (v) Procedures for regular review and update of the agreement;
- (vi) Provisions for termination or suspension of the agreement.

40.2 Unilateral Recognition:

(a) The Competent Authority may unilaterally recognise foreign approvals and certificates if:

- (i) It is in the public interest to do so;
- (ii) The conditions in Section 39.1 are met; and
- (iii) A comprehensive risk assessment supports the recognition.
- (b) Before granting unilateral recognition, the Competent Authority shall:
  - (i) Conduct an assessment of the foreign regulatory system;
  - (ii) Consult relevant stakeholders, including industry associations and consumer groups;
  - (iii) Publish a notice of its intention to recognise and consider any public comments received within a 60-day period;
  - (iv) Conduct a cost-benefit analysis of the proposed recognition;
  - (v) Seek expert opinions where necessary on technical or specialised aspects.

#### 40.3 Application for Recognition:

- (a) A person seeking recognition of a foreign approval or certificate shall apply to the Competent Authority in the prescribed form;
- (b) The application shall be accompanied by:
  - (i) A copy of the foreign approval or certificate;
  - (ii) Evidence that the conditions in Section 39.1 are met;
  - (iii) Any other information or document prescribed by regulations;
  - (iv) A detailed description of the product, system, or qualification for which recognition is sought; and
  - (v) Information on any conditions or limitations attached to the foreign approval or certificate.
- (c) The application shall be accompanied by the prescribed fee.

#### 40.4 Assessment of Applications:

- (a) The Competent Authority shall assess each application for recognition;
- (b) The assessment may include:
  - (i) Document review;
  - (ii) Verification with the issuing authority;
  - (iii) On-site assessment of the issuing authority or body, if necessary;
  - (iv) Consultation with relevant experts or advisory committees;
  - (v) Comparative analysis with [State X]’s regulatory requirements;
  - (vi) Evaluation of the applicant’s compliance history in other jurisdictions.
- (c) The Competent Authority may request additional information or clarification from the applicant;
- (d) The assessment shall be completed within [X] days of receipt of a complete application, with the possibility of extension for complex cases.

### **41. Decision on Recognition**

#### 41.1 Granting of Recognition:

- (a) If satisfied that the conditions for recognition are met, the Competent Authority shall grant recognition;
- (b) The recognition may be:
  - (i) Full: the foreign approval or certificate is treated as equivalent to a domestic one;
  - (ii) Partial: only certain aspects of the foreign approval or certificate are recognised;
  - (iii) Conditional: additional requirements must be met for full or partial recognition; or
  - (iv) Time-limited: recognition is granted for a specified period, subject to review.

#### 41.2 Refusal of Recognition:

- (a) If the conditions for recognition are not met, the Competent Authority shall refuse recognition;
- (b) The Competent Authority shall provide detailed reasons for the refusal (including refusal in case of partial recognition) in writing, including:
  - (i) Specific criteria that were not satisfied;

(ii) Any deficiencies in the application or supporting documentation; and (iii) Guidance on whether a revised application could be considered.

#### 41.3 Notification and Publication:

(a) The Competent Authority shall notify the applicant of its decision in writing within [Y] days of making the decision;

(b) If recognition is granted, the Competent Authority shall:

(i) Publish a notice in the [Official Gazette] within [Z] days;

(ii) Update the public register of recognised foreign approvals and certificates within [W] days;

(iii) Notify relevant government agencies and industry bodies of the recognition.

### **42. Effects of Recognition:**

#### 42.1 Legal Effect:

(a) A recognised foreign approval or certificate shall have the same legal effect as a corresponding domestic approval or certificate, subject to any conditions or limitations specified in the recognition decision;

(b) The holder of a recognised foreign approval or certificate shall have the same rights and obligations as the holder of a corresponding domestic approval or certificate, including:

(i) The right to market products or services in [State X];

(ii) The obligation to comply with all relevant domestic laws and regulations;

(iii) Liability for any damages or harm caused by the approved product or service.

#### 42.2 Conditions and Limitations:

(a) The Competent Authority may impose conditions or limitations on the recognition, including:

(i) Time limitations;

(ii) Scope limitations;

(iii) Additional reporting requirements;

(iv) Periodic reassessment requirements;

(v) Specific labeling or disclosure requirements for the [State X] market;

(vi) Restrictions on certain high-risk activities or applications.

(b) Any conditions or limitations shall be:

(i) Clearly stated in the recognition decision;

(ii) Proportionate to the risks identified;

(iii) Subject to review upon request by the recognition holder.

#### 42.3 Compliance with Domestic Law:

(a) The holder of a recognised foreign approval or certificate shall comply with all relevant domestic laws and regulations, including:

(i) Consumer protection laws;

(ii) Environmental regulations;

(iii) Health and safety standards; and

(iv) Advertising and marketing regulations.

(b) In case of conflict between the requirements of the foreign approval or certificate and domestic law, domestic law shall prevail.

(c) The Competent Authority shall provide guidance on any additional domestic requirements that must be met by holders of recognised foreign approvals or certificates.

### **43. Monitoring and Enforcement:**

#### 43.1 Ongoing Monitoring:

(a) The Competent Authority shall monitor the continued validity and reliability of recognised foreign approvals and certificates;

(b) This monitoring shall include:

- (i) Periodic reassessment of the foreign regulatory system, at least every [X] years;
- (ii) Regular information exchange with foreign authorities;
- (iii) Market surveillance activities in [State X];
- (iv) Review of consumer complaints and incident reports;
- (v) Audits of a sample of recognised approval or certificate holders;
- (vi) Monitoring of international regulatory developments and standards.

#### 43.2 Reporting Requirements:

(a) Holders of recognised foreign approvals or certificates shall report to the Competent Authority:

- (i) Any changes that may affect the validity of the approval or certificate;
- (ii) Any adverse events or non-compliances related to the approved or certified item;
- (iii) Any enforcement actions taken against them in other jurisdictions;
- (iv) Annual compliance statements confirming continued adherence to recognition conditions.

(b) The frequency and content of reports shall be prescribed by regulations and may vary based on the risk level of the approved item or activity.

(c) The Competent Authority shall review these reports within [Y] days and take appropriate action if any issues are identified.

#### 43.3 Enforcement Actions:

(a) The Competent Authority may take enforcement actions against holders of recognised foreign approvals or certificates who:

- (i) Fail to comply with the conditions of recognition;
- (ii) Violate relevant domestic laws or regulations;
- (iii) Provide false or misleading information to the Authority.

(b) Enforcement actions may include:

- (i) Warnings;
- (ii) Fines;
- (iii) Suspension or revocation of recognition;
- (iv) Mandatory corrective actions; and
- (v) Public notices of non-compliance.

(c) The Competent Authority shall have the power to conduct investigations and inspections to support enforcement actions.

### **44. Suspension or Revocation of Recognition:**

#### 44.1 Grounds for Suspension or Revocation:

The Competent Authority may suspend or revoke recognition if:

- (a) The conditions for recognition are no longer met;
- (b) The foreign regulatory system no longer provides equivalent protection;
- (c) There is evidence of systemic failures in the foreign approval or certification system;
- (d) The holder of the recognition has violated the conditions of recognition, including reporting requirements (Section 43.2), or relevant domestic laws;
- (e) New scientific or technical information reveals previously unknown risks;
- (f) The foreign authority fails to cooperate with [State X] in information sharing or joint investigations.

#### 44.2 Procedure for Suspension or Revocation:

(a) The Competent Authority shall give written notice of the proposed suspension or revocation, stating:

- (i) The grounds for the proposed action;
- (ii) The facts relied upon;
- (iii) The holder's right to make representations;

- (iv) The proposed duration of suspension, if applicable.
- (b) The holder shall have [Y] days to make representations;
- (c) The Competent Authority shall consider any representations before making a final decision;
- (d) The Competent Authority shall notify the holder in writing of its final decision, including reasons;
- (e) In cases of immediate risk to public health or safety, the Authority may impose an immediate temporary suspension pending full review.

#### 44.3 Effect of Suspension or Revocation:

- (a) A suspended recognition shall not be valid for the period of suspension;
- (b) A revoked recognition shall cease to be valid from the date of revocation;
- (c) The holder shall immediately cease all activities authorised by the recognition upon suspension or revocation;
- (d) The Competent Authority shall update the public register to reflect any suspension or revocation within [Z] days;
- (e) The Authority shall issue public notices of suspension or revocation where necessary to protect public interest.

### **45. Appeals:**

#### 45.1 Right of Appeal:

Any person aggrieved by a decision of the Competent Authority regarding:

- (a) The refusal to grant recognition (including refusal in case of partial recognition);
  - (b) The imposition of conditions on recognition;
  - (c) The suspension or revocation of recognition;
  - (d) The imposition of enforcement actions
- may appeal to the [Appeals Tribunal/Court] within [Z] days of being notified of the decision.

#### 45.2 Appeal Procedure:

- (a) The appeal shall be in writing, stating the grounds of appeal;
- (b) The appellant shall serve a copy of the appeal on the Competent Authority;
- (c) The Competent Authority shall, within [W] days, file with the [Appeals Tribunal/Court] a reply and all relevant documents;
- (d) The [Appeals Tribunal/Court] may, in its discretion, allow the introduction of new evidence;
- (e) The appeal shall not suspend the effect of the decision unless the [Appeals Tribunal/Court] orders otherwise.

#### 45.3 Powers of [Appeals Tribunal/Court]:

The [Appeals Tribunal/Court] may:

- (a) Confirm, vary, or set aside the decision of the Competent Authority;
- (b) Refer the matter back to the Competent Authority for reconsideration;
- (c) Make any other order it deems just and appropriate;
- (d) Award costs as it sees fit.

### **46. International Cooperation:**

#### 46.1 Information Exchange:

- (a) The Competent Authority shall establish mechanisms for information exchange with foreign regulatory authorities on matters related to approvals and certificates;
- (b) This may include information on:
  - (i) Changes in regulatory requirements;
  - (ii) Enforcement actions;
  - (iii) Adverse events or safety concerns;
  - (iv) Emerging risks or scientific developments;



- (v) Best practices in regulation and oversight.
- (c) The Authority shall designate contact points for efficient information exchange.

#### 46.2 Participation in International Forums:

(a) The Competent Authority shall participate in relevant international forums and organisations to:

- (i) Promote harmonisation of regulatory requirements;
- (ii) Facilitate mutual recognition arrangements;
- (iii) Share best practices in regulation and oversight;
- (iv) Contribute to the development of international standards; and
- (v) Stay informed about global regulatory trends and challenges.

(b) The Authority shall report annually on its international engagement activities and their outcomes.

#### 46.3 Capacity Building:

The Competent Authority may:

- (a) Provide or receive technical assistance to or from foreign regulatory authorities to enhance regulatory capacity and promote recognition of approvals and certificates;
- (b) Organise or participate in international training programs and workshops;
- (c) Engage in staff exchange programs with foreign regulatory authorities;
- (d) Collaborate on joint research projects to address common regulatory challenges.

#### 46.4 Joint Inspections and Investigations:

(a) The Competent Authority may conduct joint inspections or investigations with foreign regulatory authorities where:

- (i) A product or service is approved or certified in multiple jurisdictions;
- (ii) There are cross-border safety or compliance concerns;
- (iii) It would enhance the efficiency and effectiveness of regulatory oversight.

(b) Procedures for joint activities shall be established through formal agreements with foreign authorities.

## **G. Obligations of (Economic) Actors**

PLEASE SEE ALSO THE SEPARATE LIST OF EMPOWERMENTS / OBLIGATIONS. THAT LIST CONTAINS SEVERAL HUNDRED CANDIDATE OBLIGATIONS.

### **47. General Obligations**

#### 47.1 Compliance with Law:

All actors engaged in [regulated activities] shall:

- (a) Comply with all provisions of this Act and regulations made under it;
- (b) Ensure that their products, services, or activities conform to all applicable standards and requirements;
- (c) Maintain records demonstrating compliance for a period of [X] years.

#### 47.2 Risk Management:

Actors shall:

- (a) Implement and maintain a risk management system appropriate to the nature and scale of their activities;
- (b) Regularly assess and mitigate risks associated with their products, services, or activities;
- (c) Document risk assessments and mitigation measures.

#### 47.3 Information Provision:

Actors shall:

- (a) Provide accurate and complete information to the Competent Authority as required by this Act or upon request;
- (b) Not knowingly or recklessly provide false or misleading information;
- (c) Update the Competent Authority promptly of any significant changes in their operations or any safety issues identified.

### **48. Specific Obligations for Manufacturers**

#### 48.1 Product Safety and Conformity:

Manufacturers shall:

- (a) Ensure that their products are designed and manufactured in accordance with applicable requirements;
- (b) Carry out the applicable conformity assessment procedure or have it carried out;
- (c) Draw up the required technical documentation and keep it for [X] years after the product has been placed on the market;
- (d) Affix the required conformity marking (e.g., CE marking) where applicable.

#### 48.2 Continued Compliance:

Manufacturers shall:

- (a) Ensure that procedures are in place for series production to remain in conformity;
- (b) Take necessary action in case a product is not in conformity;
- (c) Carry out sample testing of marketed products when appropriate, considering the risks presented by a product.

#### 48.3 Traceability:

Manufacturers shall:

- (a) Ensure that their products bear a type, batch, or serial number or other element allowing their identification;
- (b) Indicate their name, registered trade name or registered trade mark, and the postal address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product.

#### 48.4 Instructions and Safety Information:

Manufacturers shall:

- (a) Ensure that the product is accompanied by instructions and safety information in a language easily understood by consumers and end-users;
- (b) Keep these instructions and safety information up to date.

### **49. Specific Obligations for Importers**

#### 49.1 Due Diligence:

Importers shall:

- (a) Ensure that the appropriate conformity assessment procedures have been carried out by the manufacturer;
- (b) Ensure that the manufacturer has drawn up the required technical documentation;
- (c) Ensure that the product bears the required conformity marking and is accompanied by the required documents.

#### 49.2 Non-Conforming Products:

Importers shall:

- (a) Not place non-conforming products on the market;

(b) Inform the manufacturer and the Competent Authority when they consider or have reason to believe that a product is not in conformity;

(c) Ensure that corrective measures are taken to bring the product into conformity, to withdraw it, or to recall it, as appropriate.

#### 49.3 Storage and Transport Conditions:

Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with applicable requirements.

#### 49.4 Traceability:

Importers shall:

(a) Indicate their name, registered trade name or registered trade mark, and the postal address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product;

(b) Keep a copy of the declaration of conformity for [X] years after the product has been placed on the market and ensure that the technical documentation can be made available to the Competent Authority upon request.

### **50. Specific Obligations for Distributors**

#### 50.1 Due Diligence:

Distributors shall:

(a) Verify that the product bears the required conformity marking;

(b) Verify that the product is accompanied by the required documents, instructions, and safety information in a language easily understood by consumers;

(c) Verify that the manufacturer and importer have complied with their obligations regarding traceability;

(d) Conduct regular checks on a sample of products to ensure ongoing compliance;

(e) Maintain a register of customer complaints and product returns, analysing this data for potential safety or quality issues.

#### 50.2 Storage and Transport Conditions:

Distributors shall:

(a) Ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with applicable requirements;

(b) Implement a documented system for monitoring and controlling environmental conditions during storage and transport;

(c) Maintain records of storage and transport conditions for each batch or lot of products;

(d) Implement a cold chain management system for products requiring temperature control.

#### 50.3 Non-Conforming Products:

Distributors shall:

(a) Not make available on the market products which they consider or have reason to believe are not in conformity with applicable requirements;

(b) Inform the manufacturer or importer and the Competent Authority when they consider or have reason to believe that a product is not in conformity;

(c) Ensure that corrective measures are taken to bring the product into conformity, to withdraw it, or to recall it, as appropriate;

(d) Cooperate fully with the Competent Authority in any investigation or recall action;

(e) Maintain a documented procedure for handling non-conforming products, including quarantine measures and communication protocols.

#### 50.4 Product Traceability:

Distributors shall:

- (a) Maintain records of all products received and distributed, including:
  - (i) Product identification (e.g., model number, serial number);
  - (ii) Quantity received and distributed;
  - (iii) Date of receipt and distribution;
  - (iv) Name and address of the supplier and the customer (excluding end consumers);
- (b) Ensure these records are readily accessible and maintained for at least [X] years;
- (c) Implement a system to quickly identify and locate products in case of safety issues or recalls.

50.5 Staff Training and Competence:

Distributors shall:

- (a) Ensure that all staff involved in product handling and customer service are adequately trained on:
  - (i) Product features and proper use;
  - (ii) Applicable regulatory requirements;
  - (iii) Procedures for handling non-conforming products and customer complaints;
- (b) Maintain records of staff training and regularly assess competence;
- (c) Designate a qualified person responsible for regulatory compliance.

## **51. Obligations of Service Providers**

51.1 Quality and Safety of Services:

Service providers shall:

- (a) Ensure that their services meet all applicable quality and safety standards;
- (b) Implement and maintain a quality management system appropriate to the nature of their services, such as ISO 9001 or relevant sector-specific standards;
- (c) Regularly assess and improve the quality and safety of their services;
- (d) Conduct risk assessments for all services offered and implement appropriate risk mitigation measures;
- (e) Establish key performance indicators (KPIs) for service quality and safety, and regularly monitor and report on these KPIs.

51.2 Information to Customers:

Service providers shall:

- (a) Provide clear and accurate information about their services, including any risks associated with the service;
- (b) Ensure that their advertising and marketing materials are not misleading;
- (c) Provide terms and conditions of service in clear and understandable language;
- (d) Clearly communicate any limitations or exclusions of the service;
- (e) Provide easily accessible channels for customers to request additional information or clarification;
- (f) Maintain an up-to-date website with comprehensive information about services, pricing, and policies.

51.3 Complaints Handling:

Service providers shall:

- (a) Establish and maintain an effective system for handling customer complaints;
- (b) Respond to complaints in a timely and fair manner;
- (c) Keep records of complaints and actions taken to resolve them for [X] years;
- (d) Analyse complaint data to identify trends and implement preventive measures;
- (e) Provide multiple channels for customers to submit complaints (e.g., phone, email, online form);
- (f) Establish and communicate clear timelines for complaint resolution;

- (g) Implement an escalation process for complex or unresolved complaints;
- (h) Provide staff training on effective complaint handling and customer service.

#### 51.4 Service Delivery and Performance:

Service providers shall:

- (a) Establish and communicate clear service level agreements (SLAs) to customers;
- (b) Implement systems to monitor and ensure compliance with SLAs;
- (c) Regularly assess customer satisfaction through surveys or other feedback mechanisms;
- (d) Implement a continuous improvement process based on performance data and customer feedback;
- (e) Maintain adequate resources and capacity to meet service commitments;
- (f) Implement contingency plans for service disruptions or emergencies.

#### 51.5 Professional Competence:

Service providers shall:

- (a) Ensure that all staff delivering services have the necessary qualifications, skills, and experience;
- (b) Implement a system for ongoing professional development and training of staff;
- (c) Maintain records of staff qualifications, training, and professional development;
- (d) Regularly assess staff competence and performance;
- (e) Adhere to relevant professional codes of conduct or ethics.

### **52. Obligations Related to Digital Services and Platforms**

#### 52.1 Data Protection and Privacy:

Providers of digital services and platforms shall:

- (a) Comply with applicable data protection and privacy laws;
- (b) Implement appropriate technical and organisational measures to ensure the security of personal data; and
- (c) Provide users with clear information about how their data is collected, used, and shared.

#### 52.2 Content Moderation:

Providers of digital platforms shall:

- (a) Implement effective systems to detect and remove illegal content;
- (b) Act expeditiously to remove or disable access to illegal content upon obtaining actual knowledge of its existence; and
- (c) Implement transparent procedures for content moderation decisions.

#### 52.3 Transparency of Algorithmic Systems:

Providers of digital services using algorithmic systems shall:

- (a) Provide clear information about the use of algorithmic systems that affect users;
- (b) Ensure that algorithmic systems do not produce discriminatory outcomes; and
- (c) Provide meaningful information about the main parameters used in ranking systems, where applicable.

### **53. Obligations Related to Environmental Protection:**

#### 53.1 Environmental Impact Assessment:

Actors whose activities may have significant environmental impacts shall:

- (a) Conduct environmental impact assessments before commencing new projects or significantly modifying existing ones;
- (b) Implement measures to mitigate identified environmental risks; and
- (c) Regularly monitor and report on their environmental performance.

### 53.2 Waste Management:

Actors shall:

- (a) Implement waste reduction and recycling programs;
- (b) Ensure proper disposal of hazardous waste in accordance with applicable regulations; and
- (c) Keep records of waste generation and disposal for [X] years.

### 53.3 Energy Efficiency:

Actors shall:

- (a) Implement measures to improve energy efficiency in their operations;
- (b) Consider energy efficiency in the design and manufacture of products, where applicable; and
- (c) Report on energy consumption and efficiency measures as required by regulations.

## **54. Cooperation with authorities:**

### 54.1 Annual Reports:

Actors shall submit annual reports to the Competent Authority, including:

- (a) Summary of activities carried out;
- (b) Compliance with applicable requirements;
- (c) Any significant changes in operations;
- (d) Any safety or quality issues identified and actions taken;
- (e) Results of any audits or assessments conducted; and
- (f) Any other information prescribed by regulations.

### 54.2 Incident Reporting:

Actors shall immediately report to the Competent Authority:

- (a) Any incident that has resulted in death, serious injury, or significant property damage;
- (b) Any significant non-compliance with applicable requirements;
- (c) Any recall or withdrawal of products from the market; and
- (d) Any other incident prescribed by regulations.

### 54.3 Notification of Changes:

Actors shall notify the Competent Authority within [X] days of:

- (a) Any change in ownership or control;
- (b) Any significant change in management personnel;
- (c) Any change in production processes that may affect product safety or quality; and
- (d) Any other change prescribed by regulations.

### 54.4 Inspections and Investigations:

Actors shall:

- (a) Cooperate fully with any inspection or investigation carried out by the Competent Authority;
- (b) Provide access to premises, records, and personnel as required;
- (c) Provide any information requested by the Competent Authority in a timely manner.

### 54.5 Corrective Actions:

Actors shall:

- (a) Implement any corrective actions required by the Competent Authority within the specified timeframe;
- (b) Provide evidence of the implementation of corrective actions as required;
- (c) Conduct follow-up assessments to ensure the effectiveness of corrective actions.

## **55. Training and Competence**

### 55.1 Staff Training:

Actors shall:

- (a) Ensure that all staff are adequately trained to perform their duties in compliance with this Act and applicable regulations;
- (b) Provide regular refresher training;
- (c) Keep records of all training provided for [X] years.

#### 55.2 Competence Assessment:

Actors shall:

- (a) Regularly assess the competence of staff in key roles;
- (b) Take corrective action where competence gaps are identified;
- (c) Ensure that only competent personnel perform critical tasks.

### **56. Internal Audits and Management Review**

#### 56.1 Internal Audits:

Actors shall:

- (a) Conduct regular internal audits to assess compliance with this Act and applicable regulations;
- (b) Ensure that audits are conducted by competent and independent personnel;
- (c) Document audit findings and corrective actions taken.

#### 56.2 Management Review:

Actors shall:

- (a) Conduct regular management reviews of their compliance with this Act and applicable regulations;
- (b) Ensure that the results of internal audits, external inspections, and incident reports are considered in these reviews;
- (c) Document the outcomes of management reviews and any decisions made.

## **H: Liability of Actors**

### **57. Civil Liability**

#### 57.1 Right to Compensation:

Any person who has suffered damage as a result of ... shall have the right to initiate legal proceedings against those responsible for that damage in order to obtain full compensation.

#### 57.2 Joint and Several Liability:

Where more than one defendant is liable for damage caused by corruption, they shall be jointly and severally liable.

#### 57.3 Vicarious Liability:

Legal persons shall be liable for damage caused by their employees or agents acting within the scope of their employment or agency, unless the legal person can prove that it took all reasonable precautions and exercised due diligence to prevent the corrupt conduct.

#### 57.4 Disgorgement of Profits:

In addition to compensation for damage, the court may order the disgorgement of any profits derived from the corrupt acts.

#### 57.5 Limitation Period:

Claims for compensation under this section must be brought within [X] years from the date the claimant became aware, or ought reasonably to have become aware, of the damage and the identity of the person responsible.

## **58. Liability of Legal Persons**

### **58.1 Corporate Criminal Liability:**

Legal persons shall be criminally liable for offences under Sections ... OR infringements of Sections ... committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- (a) A power of representation of the legal person;
- (b) An authority to take decisions on behalf of the legal person; or
- (c) An authority to exercise control within the legal person.

### **58.2 Parent Company Liability:**

A parent company may be held liable for corrupt acts committed by its subsidiaries if it is established that:

- (a) The parent company had knowledge of the corrupt practices and failed to take reasonable steps to prevent them; or
- (b) The subsidiary was acting as an agent of the parent company when committing the corrupt acts.

### **58.3 Liability for Failure to Supervise:**

Legal persons shall be liable for failing to adequately supervise their employees or agents, resulting in corrupt practices, if it is proven that such failure contributed to the commission of the offence.

## **I: Risk Management**

### **59. Risk Management:**

#### **59.1 Risk Assessment Obligation:**

All regulated entities, whether private or public, shall:

- (a) Conduct comprehensive risk assessments at least annually to identify, analyse, and evaluate risks related to their regulated activities;
- (b) Document the methodology, process, and results of these risk assessments;
- (c) Consider both internal and external risk factors, including but not limited to:
  - (i) Operational risks;
  - (ii) Financial risks;
  - (iii) Legal and regulatory compliance risks;
  - (iv) Environmental risks;
  - (v) Health and safety risks;
  - (vi) Technological risks;
  - (vii) Reputational risks;
- (d) Review and update risk assessments:
  - (i) Annually;
  - (ii) When there are significant changes in operations, structure, or external environment;
  - (iii) Following any major incidents or near misses.

#### **59.2 Risk Management Framework:**

Regulated entities shall implement a comprehensive risk management framework that includes:

- (a) A written risk management policy approved by the board of directors or equivalent governing body;
- (b) Clearly defined roles and responsibilities for risk management at all levels of the organisation;
- (c) Risk appetite statements and risk tolerance levels approved by senior management;
- (d) Procedures for risk identification, assessment, mitigation, monitoring, and reporting;
- (e) Integration of risk management considerations into decision-making processes across the organisation;
- (f) Regular training for employees on risk management principles and procedures;



(g) Mechanisms for continuous improvement of the risk management framework based on lessons learned and emerging best practices.

#### 59.3 Risk Mitigation Measures:

For each identified significant risk, regulated entities shall:

- (a) Develop and implement appropriate risk mitigation measures;
- (b) Document these measures in a risk mitigation plan that includes:
  - (i) Description of the risk and its potential impact;
  - (ii) Specific mitigation actions to be taken;
  - (iii) Timelines for implementation;
  - (iv) Responsible individuals or departments;
  - (v) Resources required for implementation;
  - (vi) Key performance indicators to measure effectiveness;
- (c) Regularly review and update risk mitigation measures to ensure their continued effectiveness;
- (d) Maintain an audit trail of changes made to risk mitigation measures.

#### 59.4 Risk Monitoring and Reporting:

Regulated entities shall:

- (a) Establish key risk indicators (KRIs) for each significant risk;
- (b) Implement systems to monitor KRIs on an ongoing basis;
- (c) Conduct regular risk reviews, including:
  - (i) Monthly reviews by operational management;
  - (ii) Quarterly reviews by senior management;
  - (iii) Annual reviews by the board of directors or equivalent governing body;
- (d) Maintain a risk register that is updated at least quarterly and includes:
  - (i) Description of each identified risk;
  - (ii) Risk owner;
  - (iii) Inherent risk rating;
  - (iv) Existing controls;
  - (v) Residual risk rating;
  - (vi) Mitigation actions and their status;
- (e) Report significant changes in risk profile or emerging risks to senior management and the board immediately;
- (f) Include a comprehensive risk management section in annual reports to stakeholders.

#### 59.5 Independent Risk Assurance:

Regulated entities shall:

- (a) Establish an independent risk management function, reporting directly to the board or a board-level risk committee;
- (b) Conduct internal audits of the risk management framework at least annually;
- (c) Engage external experts to review the risk management framework at least every three years;
- (d) Promptly address any deficiencies identified through independent assurance activities.

## **J. Public Assurance of Compliance**

### **60. Tasks of the Supervising Authority**

#### 60.1 Regulatory Development:

The Competent Authority shall:

- (a) Continuously monitor the regulated sector to identify emerging risks and regulatory gaps;
- (b) Develop and propose new regulations or amendments to existing regulations as necessary to address identified issues;
- (c) Conduct regulatory impact assessments for all proposed regulations, including:

- (i) Cost-benefit analysis;
- (ii) Stakeholder consultation; and
- (iii) Assessment of potential unintended consequences;
- (d) Publish draft regulations for public comment, allowing at least 60 days for submission of feedback;
- (e) Review and consider all submitted comments before finalising regulations;
- (f) Provide a written response to significant comments received, explaining the rationale for accepting or rejecting suggestions;
- (g) Conduct post-implementation reviews of new regulations within two years of their effective date to assess their effectiveness and identify any necessary adjustments; and
- (h) Establish a public registry of all regulatory impact assessments and post-implementation reviews.

#### 60.2 Licensing and Authorisation:

The Competent Authority shall:

- (a) Establish clear criteria and procedures for granting, renewing, modifying, and revoking licenses or authorisations for regulated activities;
- (b) Process applications for licenses or authorisations within [X] days of receipt of a complete application;
- (c) Maintain a public register of all licensed or authorised entities, including:
  - (i) Name and contact details of the entity;
  - (ii) Type of license or authorisation held;
  - (iii) Date of issuance and expiration; and
  - (iv) Any conditions or restrictions attached to the license or authorisation;
- (d) Conduct fit and proper person assessments for key personnel of regulated entities;
- (e) Regularly review the licensing and authorisation framework to ensure it remains fit for purpose; and
- (f) Implement a digital licensing and authorisation system to streamline application processes and improve transparency.

#### 60.3 Supervision and Monitoring:

The Competent Authority shall:

- (a) Develop and implement a risk-based supervision framework, allocating supervisory resources based on the risk profile of regulated entities;
- (b) Conduct regular on-site inspections of regulated entities, with frequency determined by risk assessment but no less than once every [X] years;
- (c) Perform ongoing off-site monitoring, including review of:
  - (i) Regular reports submitted by regulated entities;
  - (ii) Financial statements and auditor reports;
  - (iii) Customer complaints and dispute resolution outcomes; and
  - (iv) Media reports and other public information;
- (d) Require regulated entities to submit annual compliance certificates signed by the CEO and compliance officer;
- (e) Establish an early warning system to identify entities showing signs of distress or non-compliance;
- (f) Conduct thematic reviews across the sector on emerging risks or areas of concern; and
- (g) Utilise advanced data analytics tools to enhance supervision and monitoring activities.

#### 60.4 Enforcement:

The Competent Authority shall:

- (a) Investigate potential violations of regulations, with powers to:
  - (i) Request and review documents and records;

- (ii) Interview employees and other relevant individuals;
- (iii) Conduct unannounced on-site inspections; and
- (iv) Seize evidence where necessary and legally permitted;
- (b) Develop and publish an enforcement policy, outlining:
  - (i) Types of enforcement actions available;
  - (ii) Criteria for selecting appropriate enforcement actions; and
  - (iii) Procedures for imposing and appealing enforcement actions;
- (c) Maintain a range of enforcement tools, including:
  - (i) Formal warnings;
  - (ii) Directive orders to take specific actions;
  - (iii) Imposition of additional license conditions;
  - (iv) Financial penalties;
  - (v) Suspension or revocation of licenses; and
  - (vi) Referral for criminal prosecution where appropriate;
- (d) Publish anonymised summaries of enforcement actions taken to promote transparency and deterrence;
- (e) Establish an internal quality control process for enforcement decisions to ensure consistency and proportionality; and
- (f) Implement a whistleblower protection program to encourage reporting of regulatory violations.

#### 60.5 Guidance and Education:

The Competent Authority shall:

- (a) Develop and publish guidance materials to assist regulated entities in understanding and complying with regulatory requirements;
- (b) Establish a formal process for regulated entities to seek clarification or rulings on the application of regulations to specific situations;
- (c) Conduct regular workshops and seminars for regulated entities on compliance topics;
- (d) Develop and maintain e-learning modules on key regulatory requirements;
- (e) Engage with industry associations to promote best practices and address common compliance challenges;
- (f) Publish a quarterly newsletter highlighting regulatory developments, enforcement trends, and emerging risks;
- (g) Maintain a public FAQ section on the Authority's website, updated regularly based on common queries received; and
- (h) Create a dedicated helpline for regulated entities to provide real-time assistance on compliance issues.

### **61. Coordination and Alignment of Authorities' Practices**

#### 61.1 Establishment of Coordination Mechanism:

- (a) A Regulatory Coordination Committee (RCC) is hereby established, comprising representatives from all relevant regulatory authorities.
- (b) The RCC shall:
  - (i) Meet at least quarterly to discuss regulatory issues and coordinate activities;
  - (ii) Establish working groups for specific cross-cutting regulatory matters;
  - (iii) Develop and maintain a shared regulatory agenda outlining planned regulatory activities across authorities; and
  - (iv) Report annually to the government on the state of regulatory coordination;
- (c) The Competent Authority shall serve as the secretariat for the RCC, responsible for:
  - (i) Organising meetings and maintaining records;
  - (ii) Facilitating information exchange between members;
  - (iii) Monitoring implementation of RCC decisions; and
  - (iv) Providing administrative support for RCC activities.

#### 61.2 Information Sharing Framework:

- (a) All regulatory authorities shall:
  - (i) Designate information sharing officers responsible for inter-agency communication;
  - (ii) Participate in a secure, centralised information sharing platform established by the RCC; and
  - (iii) Develop internal procedures for classifying and sharing information with other authorities;
- (b) The information sharing platform shall include:
  - (i) A database of regulated entities accessible to all member authorities;
  - (ii) A system for confidential exchange of supervisory concerns and findings; and
  - (iii) A mechanism for authorities to request information from each other;
- (c) Authorities shall respond to information requests from other authorities within 15 working days, unless a valid legal exemption applies;
- (d) Implement data protection measures to ensure the confidentiality and security of shared information.

#### 61.3 Harmonisation of Regulatory Approaches:

- (a) The RCC shall establish working groups to develop:
  - (i) Common risk assessment methodologies;
  - (ii) Standardised enforcement guidelines; and
  - (iii) Unified data reporting formats for regulated entities;
- (b) Each authority shall:
  - (i) Adopt the harmonised approaches developed by the RCC, unless there are compelling reasons not to do so; and
  - (ii) Publicly disclose and justify any deviations from the harmonised approaches;
- (c) The RCC shall conduct an annual review of regulatory divergences and develop action plans to address them;
- (d) Authorities shall collaborate on joint training programs to ensure consistent application of harmonised approaches.

#### 61.4 Joint Supervisory Activities:

- (a) Authorities shall:
  - (i) Conduct joint inspections of entities subject to multiple regulatory regimes;
  - (ii) Coordinate the timing of routine supervisory activities to minimise burden on regulated entities; and
  - (iii) Share inspection reports with other relevant authorities within 30 days of completion;
- (b) The RCC shall maintain a calendar of planned supervisory activities across all authorities to facilitate coordination;
- (c) For entities subject to multiple regulatory regimes, authorities shall designate a lead supervisor to coordinate interactions and avoid duplication;
- (d) Establish protocols for joint investigations and enforcement actions to ensure effective collaboration.

#### 61.5 Regulatory Impact Assessment:

- (a) All authorities shall:
  - (i) Conduct regulatory impact assessments (RIAs) for significant new regulations or changes to existing regulations;
  - (ii) Include in RIAs an assessment of impact on areas regulated by other authorities; and
  - (iii) Submit draft RIAs to the RCC for review and comment before finalisation;
- (b) The RCC shall:
  - (i) Develop common standards and methodologies for conducting RIAs;
  - (ii) Provide training to authority staff on RIA best practices;
  - (iii) Conduct periodic quality assessments of RIAs across authorities;

(c) Authorities shall publish RIAs and their outcomes to ensure transparency and stakeholder engagement.

#### 61.6 Dispute Resolution Mechanism:

(a) The RCC shall establish a formal mechanism for resolving disputes between authorities, including:

(i) Procedures for authorities to raise concerns about regulatory overlap or inconsistency;

(ii) A mediation process led by an independent panel of experts; and

(iii) Binding arbitration for unresolved disputes, with decisions made by a majority vote of RCC members not party to the dispute;

(b) Authorities shall exhaust this dispute resolution mechanism before seeking judicial intervention in inter-agency conflicts;

(c) The RCC shall publish annual reports on the nature and outcomes of disputes resolved through this mechanism.

### **62. Intra-state Cooperation of Authorities:**

#### 62.1 Mandatory Cooperation Framework:

(a) All public authorities shall have a legal duty to cooperate with each other in matters related to their regulatory and enforcement activities;

(b) This duty shall include:

(i) Responding to requests for information within 20 working days;

(ii) Providing expert assistance when requested; and

(iii) Participating in joint investigations or enforcement actions when appropriate;

(c) Authorities may only refuse cooperation on grounds of:

(i) Legal prohibitions on information sharing;

(ii) National security concerns; and

(iii) Ongoing criminal investigations that could be compromised;

(d) Any refusal to cooperate must be justified in writing to the requesting authority and reported to the RCC;

(e) Establish a centralised tracking system for cooperation requests and responses to ensure accountability.

#### 62.2 Joint Operations:

(a) Authorities may establish joint operation teams for complex cases involving multiple regulatory domains;

(b) Joint operation teams shall:

(i) Operate under terms of reference agreed by all participating authorities;

(ii) Have a designated lead authority responsible for overall coordination;

(iii) Develop joint investigation or action plans; and

(iv) Share all relevant information among team members;

(c) Participating authorities shall make available necessary resources, including staff and equipment, to support joint operations;

(d) The outcomes of joint operations shall be reported to the RCC and used to inform future cooperation initiatives;

(e) Implement joint training exercises to improve coordination and effectiveness of joint operations.

#### 62.3 Resource Sharing:

(a) Authorities shall establish mechanisms for sharing specialised resources, including:

(i) Technical experts;

(ii) Laboratory facilities;

(iii) Data analysis capabilities; and

- (iv) Training programs;
- (b) The RCC shall maintain a central database of sharable resources across all authorities;
- (c) Authorities shall develop standard protocols for:
  - (i) Requesting resource support from other authorities;
  - (ii) Determining priority in case of competing resource needs; and
  - (iii) Cost allocation for shared resources;
- (d) Implement a resource-sharing agreement to formalise the terms and conditions of shared resource use.

#### 62.4 Coordinated Policy Development:

- (a) Authorities shall:
  - (i) Notify the RCC of any planned significant policy or regulatory changes;
  - (ii) Invite input from other relevant authorities during policy development processes; and
  - (iii) Consider the wider regulatory landscape when developing new policies or regulations;
- (b) The RCC shall:
  - (i) Maintain a forward-looking regulatory calendar;
  - (ii) Identify opportunities for joint policy development on cross-cutting issues; and
  - (iii) Facilitate policy coordination workshops involving multiple authorities;
- (c) Where multiple authorities regulate the same sector or issue, they shall establish permanent working groups to ensure ongoing policy alignment;
- (d) Authorities shall publish joint policy statements to provide clarity and guidance to regulated entities.

#### 62.5 Data and Intelligence Sharing:

- (a) Authorities shall:
  - (i) Participate in a central data and intelligence sharing platform;
  - (ii) Contribute relevant data and intelligence to the platform on an ongoing basis; and
  - (iii) Establish internal procedures for determining what information can be shared;
- (b) The central platform shall include:
  - (i) A secure messaging system for real-time information exchange;
  - (ii) Analytical tools for identifying patterns and trends across datasets; and
  - (iii) An alert system for flagging urgent regulatory or enforcement issues;
- (c) Authorities shall conduct joint analysis projects on cross-cutting regulatory issues at least annually;
- (d) Implement data governance policies to ensure the integrity and confidentiality of shared data.

#### 62.6 Mutual Capacity Building:

- (a) Authorities shall:
  - (i) Open relevant internal training programs to staff from other authorities;
  - (ii) Participate in an inter-authority staff exchange program; and
  - (iii) Contribute to a shared e-learning platform on common regulatory skills;
- (b) The RCC shall:
  - (i) Coordinate an annual inter-authority training needs assessment;
  - (ii) Develop and deliver cross-cutting training programs; and
  - (iii) Facilitate mentoring relationships between authorities with complementary strengths;
- (c) Authorities shall publish annual reports on capacity-building activities and their outcomes.

### **63. International Cooperation of Authorities:**

#### 63.1 International Engagement Strategy:

- (a) The Competent Authority shall develop and maintain an international engagement strategy that:
  - (i) Identifies priority countries and international organisations for cooperation;

- (ii) Sets objectives for international engagement activities; and
- (iii) Outlines resource allocation for international cooperation initiatives;
- (b) The strategy shall be:
  - (i) Reviewed and updated annually;
  - (ii) Approved by the governing body of the Competent Authority; and
  - (iii) Made publicly available on the Authority's website;
- (c) Implement a monitoring and evaluation framework to assess the effectiveness of international engagement activities.

#### 63.2 Participation in International Forums:

- (a) The Competent Authority shall actively participate in relevant international regulatory forums, including:
  - (i) Global standard-setting bodies in its field of regulation;
  - (ii) Regional regulatory networks; and
  - (iii) International organisations promoting regulatory cooperation;
- (b) Participation shall include:
  - (i) Attending meetings and contributing to discussions;
  - (ii) Serving on working groups and committees;
  - (iii) Providing input on draft international standards or guidelines; and
  - (iv) Sharing national experiences and best practices;
- (c) The Authority shall report annually on its international forum activities and their outcomes;
- (d) Establish a dedicated team to manage international relations and coordination.

#### 63.3 Bilateral and Multilateral Cooperation Agreements:

- (a) The Competent Authority may enter into cooperation agreements with foreign counterparts, which may cover:
  - (i) Information sharing;
  - (ii) Joint investigations or inspections;
  - (iii) Mutual recognition of regulatory decisions; and
  - (iv) Staff exchanges and joint training initiatives;
- (b) All cooperation agreements shall:
  - (i) Be in writing and signed by authorised representatives;
  - (ii) Specify the scope and purpose of cooperation;
  - (iii) Include safeguards for confidential information; and
  - (iv) Be reviewed at least every five years;
- (c) The Authority shall maintain a public register of all active cooperation agreements;
- (d) Develop a template for cooperation agreements to ensure consistency and comprehensiveness.

#### 63.4 Cross-border Information Sharing:

- (a) The Competent Authority may share information with foreign counterparts:
  - (i) Upon request, subject to an assessment of the request's legitimacy;
  - (ii) Spontaneously, where it believes the information would assist the foreign authority;
- (b) Information sharing shall be subject to the following conditions:
  - (i) The information is necessary for the recipient authority's regulatory functions;
  - (ii) The recipient authority provides appropriate confidentiality assurances;
  - (iii) The sharing does not violate national laws or jeopardise ongoing investigations;
- (c) The Authority shall maintain records of all information shared internationally, including:
  - (i) The nature of the information;
  - (ii) The recipient authority;
  - (iii) The date of sharing; and
  - (iv) The legal basis for sharing;
- (d) Implement a secure information sharing system to facilitate cross-border exchanges.

### 63.5 Joint Cross-border Investigations:

- (a) The Competent Authority may conduct joint investigations with foreign counterparts where:
  - (i) The matter under investigation has a significant cross-border element;
  - (ii) Joint action would enhance the effectiveness of the investigation;
- (b) Joint investigations shall be governed by written agreements specifying:
  - (i) The scope and objectives of the investigation;
  - (ii) The applicable legal framework;
  - (iii) The roles and responsibilities of each participating authority;
  - (iv) Procedures for information sharing and use of investigative powers; and
  - (v) Protocols for public communications about the investigation;
- (c) The Authority shall report to the government on the outcomes of all joint investigations;
- (d) Establish a joint investigation fund to support cross-border investigative activities.

### 63.6 Mutual Recognition Arrangements:

- (a) The Competent Authority may enter into mutual recognition arrangements with foreign counterparts regarding:
  - (i) Regulatory licenses or authorisations;
  - (ii) Professional qualifications;
  - (iii) Conformity assessment procedures; and
  - (iv) Regulatory decisions or enforcement actions;
- (b) Before entering into a mutual recognition arrangement, the Authority shall:
  - (i) Conduct a detailed assessment of the foreign regulatory regime;
  - (ii) Consult with relevant domestic stakeholders; and
  - (iii) Obtain approval from the government;
- (c) All mutual recognition arrangements shall include mechanisms for:
  - (i) Ongoing monitoring of regulatory equivalence;
  - (ii) Addressing any emerging divergences; and
  - (iii) Terminating the arrangement if necessary;
- (d) Publish mutual recognition arrangements and their assessments to ensure transparency.

### 63.7 Capacity Building and Technical Assistance:

- (a) The Competent Authority may provide capacity building and technical assistance to foreign counterparts, including:
  - (i) Hosting study visits;
  - (ii) Providing training programs;
  - (iii) Seconding staff to assist with specific projects; and
  - (iv) Sharing regulatory tools and methodologies;
- (b) The Authority shall develop an annual capacity building plan, identifying:
  - (i) Priority countries or regions for assistance;
  - (ii) Key areas for knowledge transfer; and
  - (iii) Resources allocated for these activities;
- (c) All capacity building activities shall be evaluated for effectiveness and reported in the Authority's annual report;
- (d) Establish partnerships with international organisations to enhance capacity-building efforts.

## **K: Enforcement Powers**

PLEASE SEE ALSO THE SEPARATE LIST OF EMPOWERMENTS / OBLIGATIONS. THAT LIST CONTAINS SEVERAL HUNDRED CANDIDATE EMPOWERMENTS.



## **64. Enforcement Powers and Procedures**

### **64.1 Investigative Powers:**

- (a) Authorised officers of the Competent Authority shall have the power to:
  - (i) Enter and inspect any premises where regulated activities are carried out;
  - (ii) Examine and copy any relevant documents or records;
  - (iii) Take samples of any substances or materials for analysis;
  - (iv) Seize and retain any evidence of violations;
  - (v) Interview employees and other relevant persons; and
  - (vi) Require the production of information in electronic form.
- (b) These powers may be exercised:
  - (i) At any reasonable time for routine inspections;
  - (ii) At any time if there is reasonable suspicion of a serious violation.
- (c) Entry into residential premises shall require a warrant issued by a court.

### **64.2 Compliance Notices:**

- (a) Where a violation is identified, the Competent Authority may issue a compliance notice requiring the regulated entity to:
  - (i) Cease the non-compliant activity immediately;
  - (ii) Take specified corrective actions within a set timeframe;
  - (iii) Submit a compliance plan for approval.
- (b) The notice shall:
  - (i) Clearly state the nature of the violation;
  - (ii) Specify the relevant provisions of the Act or regulations;
  - (iii) Exhaustingly specify the corrective actions to be taken by the regulated entity; and
  - (iv) Outline the consequences of non-compliance with the notice.
- (c) The regulated entity may appeal the notice to the Regulatory Appeals Tribunal within [X] days.

### **64.3 Administrative Penalties [and Side-measures]:**

- (a) The Competent Authority may impose administrative penalties for violations, including:
  - (i) Monetary fines up to [X]% of annual turnover [of the responsible legal entity or of the group of legal entities to which the responsible legal entity belongs];
  - (ii) Suspension or restriction of licenses or authorisations;
  - (iii) Mandatory corrective advertising;
  - (iv) Disgorgement of profits derived from the violation;
  - (v) Debarment from participation in public procurement for a period not exceeding [Z] years;
  - (vi) Mandatory implementation of or changes to compliance programs; and
  - (vii) Appointment of independent compliance monitors.
- (b) In determining the appropriate penalty, the Authority shall consider:
  - (i) The nature and severity of the violation, including guilt and its type;
  - (ii) Any history of previous violations;
  - (iii) The degree of cooperation during the investigation;
  - (iv) Any mitigating actions taken by the entity;
  - (v) The amount of the undue advantage obtained or losses avoided;
  - (vi) The level of cooperation with the Competent Authority;
  - (vii) Any previous violations by the entity; and
  - (viii) The potential impact of the sanction on employees and stakeholders.
- (c) Before imposing a penalty, the Authority shall:
  - (i) Provide written notice of the intended penalty;
  - (ii) Allow the entity [X]days to make representations; and
  - (iii) Consider any representations made before making a final decision.

(d) Any person aggrieved by an administrative penalty imposed under this section may appeal to the [Administrative Tribunal/Court] within [X] days of being notified of the penalty.

#### 64.4 Enforceable Undertakings:

(a) As an alternative to other enforcement actions, the Competent Authority may accept enforceable undertakings from regulated entities.

(b) Such undertakings shall:

- (i) Be in writing and signed by the entity;
- (ii) Specify actions the entity will take or refrain from;
- (iii) Include timeframes for compliance; and
- (iv) Be published on the Authority's and entity's websites.

(c) Breach of an enforceable undertaking may result in:

- (i) Court-ordered compliance;
- (ii) Additional penalties imposed by the court or the Competent Authority;
- (iii) Consideration as an aggravating factor in future enforcement actions.

#### 64.5 Search and Seizure:

(a) The Competent Authority may apply to a court for a search warrant where:

- (i) There are reasonable grounds to suspect a serious violation;
- (ii) Evidence of the violation is likely to be found on specific premises;
- (iii) The occupier is likely to refuse entry or conceal evidence.

(b) A warrant shall authorise designated officers to:

- (i) Enter and search the specified premises;
- (ii) Seize relevant documents, records, or other evidence; and
- (iii) Use reasonable force if necessary to execute the warrant.

(c) Seized items shall be:

- (i) Inventoried and a receipt provided to the occupier;
- (ii) Securely stored to maintain the chain of custody;
- (iii) Returned when no longer needed, unless forfeited by court order.

#### 64.6 Injunctions:

(a) The Competent Authority may apply to the High Court for injunctions to:

- (i) Prevent an apprehended violation of the Act;
- (ii) Require a person to take specific actions to comply with the Act;
- (iii) Freeze assets derived from illegal activities.

(b) In urgent cases, the Authority may seek ex parte interim injunctions.

(c) Breach of an injunction shall be treated as contempt of court.

#### 64.7 Publication of Enforcement Actions:

(a) The Competent Authority shall maintain a public register of enforcement actions, including:

- (i) The name of the entity or individual subject to the action;
- (ii) The nature of the violation;
- (iii) The enforcement measure taken; and
- (iv) The date of the action.

(b) This register shall be:

- (i) Published on the Authority's website;
- (ii) Updated within 7 days of any new action;
- (iii) Maintained for at least [X] years.

#### 64.8 Cooperation with other Agencies:

(a) The Competent Authority shall establish bilateral or multilateral protocols for cooperation with:

- (i) Police and prosecutorial authorities for criminal matters;
  - (ii) Tax authorities for financial investigations;
  - (iii) Environmental agencies for related violations;
  - (iv) Foreign regulators for cross-border enforcement.
- (b) These protocols shall cover:
- (i) Information sharing procedures;
  - (ii) Joint investigation processes;
  - (iii) Delineation of jurisdictional responsibilities;
  - (iv) Other joint actions if necessary.

## 65. Sanctions and Penalties

PLEASE READ ALSO THE SEPARATE LIST OF SANCTIONS, SOON TO BE PUBLISHED HERE. THAT LIST CONTAINS SEVERAL DOZEN CANDIDATE SANCTIONS.

PLEASE READ ALSO THE SEPARATE MODULE (CIVIL) PENALTIES DISPLAYED AT THE BOTTOM OF THIS TEXT.

### 65.1 Criminal Offences:

- (a) The following shall constitute criminal offences under this Act:
- (i) Knowingly providing false or misleading information to the Competent Authority;
  - (ii) Willfully obstructing an authorised officer in the exercise of their duties;
  - (iii) Operating without a required license or authorisation;
  - (iv) Deliberate violation of safety or environmental standards causing serious harm;
  - (v) Repeated and willful violations of the Act or regulations.
- (b) Penalties for criminal offences shall include:
- (i) For individuals: Imprisonment for up to [X] years and/or fines up to [Y] amount;
  - (ii) For corporations: Fines up to [Z]% of annual global turnover.
- (c) The court may also order:
- (i) Forfeiture of assets derived from the offence;
  - (ii) Disqualification of directors from holding corporate offices;
  - (iii) Publication of the conviction at the offender's expense.

### 65.2 Civil Penalties:

- (a) The Competent Authority may impose civil penalties for violations that do not constitute criminal offences, including:
- (i) Breach of license conditions;
  - (ii) Failure to comply with reporting requirements;
  - (iii) Minor safety or environmental violations.
- (b) Civil penalties shall be:
- (i) Proportionate to the nature and impact of the violation;
  - (ii) Up to [X]% of the entity's annual turnover for the relevant product or service;
  - (iii) Payable within [X] days of the final determination, unless appealed.
- (c) Factors to be considered in determining the penalty amount include:
- (i) The gravity and duration of the violation;
  - (ii) The degree of culpability of the violator;
  - (iii) Any history of prior violations;
  - (iv) Any financial gain derived from the violation;
  - (v) The violator's ability to pay; and
  - (vi) The annual turn-over of the responsible legal entity or of the group of legal entities to which the responsible legal entity belongs].

### 65.3 Administrative Sanctions [and Side-measures]:

(a) In addition to or instead of civil penalties, the Competent Authority may impose administrative sanctions, including:

- (i) Formal warnings;
  - (ii) Mandatory corrective action orders;
  - (iii) Temporary suspension of licenses or authorisations;
  - (iv) Revocation of licenses or authorisations; and
  - (v) Disqualification from public procurement processes.
- (b) Before imposing administrative sanctions, the Authority shall:
- (i) Provide written notice of the intended sanction;
  - (ii) Allow the entity [X]days to respond or remedy the violation;
  - (iii) Consider any representations made before making a final decision.

### 65.4 Penalty and Sanction Calculation Guidelines:

(a) [Except for criminal offences,] The Competent Authority shall publish guidelines on sanction and penalty calculations, including:

- (i) Base amounts for different types of violations;
  - (ii) Aggravating and mitigating factors;
  - (iii) Methods for calculating economic benefit from violations;
  - (iv) Procedures for ability-to-pay assessments; and
  - (v) Methods for calculating the annual turn-over of the responsible legal entity or of the group of legal entities to which the responsible legal entity belongs].
- (b) These guidelines shall be:
- (i) Subject to public consultation before adoption;
  - (ii) Reviewed and updated at least every [X] years;
  - (iii) Applied consistently across similar cases.

### 65.5 Settlement Procedures:

(a) [Except for criminal penalties,] The Competent Authority may establish procedures for the settlement of cases, allowing entities to:

- (i) Admit to violations and accept a reduced penalty;
  - (ii) Agree to specific compliance measures;
  - (iii) Avoid formal enforcement proceedings.
- (b) Settlement agreements shall:
- (i) Be in writing and signed by both parties;
  - (ii) Specify the violations admitted and penalties accepted;
  - (iii) Include a compliance plan with clear deadlines;
  - (iv) Be made public, subject to redaction of confidential information.

### 65.6 Continuing [Civil] Penalties:

(a) For ongoing violations, the Competent Authority may impose continuing [civil] penalties of:

- (i) Up to [X] amount per day for individuals;
- (ii) Up to [Y] amount per day for corporations.

(b) These penalties shall accrue until:

- (i) The violation is remedied;
- (ii) The maximum penalty limit is reached;
- (iii) The Authority orders otherwise.

### 65.7 Liability of Directors and Officers:

(a) Directors and senior officers of corporations may be held personally liable for offences if it is proven that:

- (i) The offence was committed with their consent or connivance; or

- (ii) The offence was attributable to their neglect.
- (b) Penalties for personal liability may include:
  - (i) Fines up to [X] amount;
  - (ii) Disqualification from holding director or officer positions for up to [Y] years;
  - (iii) In severe cases, imprisonment for up to [Z] years.

#### 65.8 Appeals:

- (a) Any person aggrieved by a penalty or sanction imposed under this section may appeal to the Regulatory Appeals Tribunal within [X] days.
- (b) The appeal shall specify:
  - (i) The grounds for challenging the penalty or sanction;
  - (ii) Any evidence supporting the appeal;
  - (iii) The relief sought.
- (c) The Tribunal shall have the power to:
  - (i) Affirm, modify, or set aside the penalty or sanction;
  - (ii) Remit the matter to the Competent Authority for reconsideration;
  - (iii) Substitute its own decision for that of the Authority.

### **66. Rating and Labelling of (Economic) Actors**

#### 66.1 Establishment of Rating System:

- (a) The Competent Authority shall develop and implement a rating system for regulated entities that:
  - (i) Provides a clear, objective measure of compliance and performance;
  - (ii) Covers all key aspects of regulatory requirements;
  - (iii) Is tailored to different sectors or types of regulated entities as appropriate.
- (b) The rating system shall include:
  - (i) A numerical score (e.g., 0-100);
  - (ii) A corresponding letter grade (e.g., A+, A, B, C, D, F);
  - (iii) Specific ratings for key performance areas (e.g., safety, financial stability, environmental compliance).

#### 66.2 Rating Criteria:

- (a) Ratings shall be based on objective criteria including:
  - (i) Compliance with regulatory requirements;
  - (ii) Results of inspections and audits;
  - (iii) Complaint history and resolution;
  - (iv) Proactive risk management practices; and
  - (v) Transparency and cooperation with the Authority.
- (b) The weighting of criteria shall be:
  - (i) Clearly defined and publicly disclosed;
  - (ii) Reviewed annually for continued relevance;
  - (iii) Subject to public consultation before any significant changes.

#### 66.3 Rating Process:

- (a) The Competent Authority shall:
  - (i) Conduct ratings at least [X-annually] for each regulated entity;
  - (ii) Base ratings on data collected through regular supervisory activities;
  - (iii) Allow regulated entities to submit additional relevant information;
  - (iv) Use a panel of at least three staff members to determine final ratings; and
  - (v) Document the justification for each rating decision.
- (b) Before finalising a rating, the Authority shall:
  - (i) Provide the regulated entity with a draft rating and supporting analysis;

- (ii) Allow [X] days for the entity to respond with any objections or additional information;
- (iii) Consider any responses received before making a final determination.

#### 66.4 Publication of Ratings:

- (a) The Competent Authority shall:
  - (i) Maintain a public register of ratings on its website;
  - (ii) Update the register within [X] working days of any rating change; and
  - (iii) Provide historical rating data for at least the past X years.
- (b) The public register shall include:
  - (i) The current rating and date of last assessment;
  - (ii) A brief summary of the basis for the rating;
  - (iii) Any specific areas of concern or commendation; and
  - (iv) Links to more detailed reports where available.

#### 66.5 Labelling Requirements:

- (a) Regulated entities shall be required to display their current rating:
  - (i) Prominently at all physical premises accessible to the public;
  - (ii) On their website homepage;
  - (iii) In all promotional materials and advertisements;
  - (iv) On product packaging, manuals or other documents accompanying the product, where applicable.
- (b) The display format shall be standardised and include:
  - (i) The numerical score and letter grade;
  - (ii) The date of the last assessment; and
  - (iii) A QR code linking to the entity's entry in the public register.

#### 66.6 Appeals Process:

- (a) Regulated entities may appeal their rating within [X] days of notification by:
  - (i) Submitting a written appeal to the Competent Authority;
  - (ii) Providing evidence to support their case for a different rating.
- (b) The Competent Authority shall:
  - (i) Establish an independent appeals panel to review cases;
  - (ii) Allow the appellant to make oral representations if desired; and
  - (iii) Make a final decision within [X] days of receiving the appeal.
- (c) The rating under appeal shall remain in force until the appeal is decided.

#### 66.7 Incentives and Consequences:

- (a) The Competent Authority may provide incentives for high-rated entities, such as:
  - (i) Reduced frequency of routine inspections;
  - (ii) Priority processing of license renewals or other applications; and
  - (iii) Public recognition through awards or certifications.
- (b) For low-rated entities, the Authority may impose:
  - (i) More frequent inspections or audits;
  - (ii) Mandatory improvement plans with specific timelines;
  - (iii) Additional reporting requirements;
  - (iv) Restrictions on certain high-risk activities.

## **L: Third Party Enforcement Assistance**

### **67. Third Party Legal Action Supporting Enforcement:**

#### 67.1 Standing to Bring Actions:

(a) The following parties shall have standing to bring legal actions to enforce provisions of this Act:

- (i) Individuals directly affected by violations of the Act;
  - (ii) Consumer protection organisations registered with the Competent Authority;
  - (iii) Environmental organisations registered with the Competent Authority;
  - (iv) Trade associations representing regulated entities; and
  - (v) Local authorities within whose jurisdiction a violation has occurred and/or had an impact.
- (b) To be eligible for registration, organisations must:
- (i) Be legally constituted non-profit entities;
  - (ii) Have been in operation for at least [X] years;
  - (iii) Demonstrate expertise in the relevant regulatory area; and
  - (iv) Have internal governance procedures to ensure accountability.

#### 67.2 Types of Legal Actions:

- (a) Eligible parties may bring the following types of legal actions:
- (i) Applications for injunctive relief to prevent or stop violations;
  - (ii) Actions for declaratory judgments on the interpretation of the Act;
  - (iii) Public interest litigation to address systemic non-compliance;
  - (iv) Actions to compel the Competent Authority to perform its statutory duties.
- (b) Class actions may be brought where:
- (i) There are multiple affected parties with similar claims;
  - (ii) Individual actions would be impractical or inefficient;
  - (iii) The representative party can fairly represent the interests of the class.

#### 67.3 Pre-Action Requirements:

- (a) Before initiating legal action, the potential plaintiff must:
- (i) Serve a notice of intent to sue on the alleged violator and the Competent Authority;
  - (ii) Allow [X] days for the alleged violator to remedy the violation or for the Competent Authority to commence enforcement action; and
  - (iii) Participate in mandatory mediation if requested by the alleged violator.
- (b) The notice of intent must include:
- (i) The specific provisions of the Act alleged to have been violated;
  - (ii) The facts supporting the allegation; and
  - (iii) The relief sought by the potential plaintiff.

#### 67.4 Court Procedures:

- (a) Actions under this section shall be heard by specialised regulatory chambers of the [appropriate court].
- (b) The court may:
- (i) Appoint independent experts to assist in technical matters;
  - (ii) Allow amicus curiae briefs from interested parties;
  - (iii) Order the production of relevant documents from any party;
  - (iv) Conduct site visits or inspections if necessary.
- (c) The burden of proof shall be on the plaintiff, but once a prima facie case is established, the burden shifts to the defendant to show compliance.

#### 67.5 Remedies:

- (a) The court may grant the following remedies:
- (i) Injunctions to prevent or stop violations;
  - (ii) Declaratory judgments on rights and obligations under the Act;
  - (iii) Orders for specific performance of statutory duties;
  - (iv) Compensation for harm caused by violations;

- (v) Punitive damages in cases of willful or reckless violations.
- (b) In determining remedies, the court shall consider:
  - (i) The nature and extent of the violation;
  - (ii) Any harm caused to public interests;
  - (iii) Any economic benefits derived from the violation; and
  - (iv) The compliance history of the violator.

#### 67.6 Costs and Funding:

- (a) The court may order the unsuccessful party to pay the reasonable costs of the successful party.
- (b) Where the action has served a significant public interest, the court may order that:
  - (i) Each party bears its own costs, regardless of the outcome;
  - (ii) The Competent Authority contributes to the plaintiff's costs.
- (c) The government shall establish a Public Interest Litigation Fund to:
  - (i) Provide financial support for eligible cases;
  - (ii) Cover adverse costs orders in unsuccessful but meritorious cases.

#### 67.7 Protection Against Retaliatory Action:

- (a) It shall be unlawful for any person to retaliate against an individual or organisation for:
  - (i) Bringing an action under this section;
  - (ii) Assisting in such an action;
  - (iii) Providing information to support such an action.
- (b) Any person subject to retaliatory action may bring a separate action for:
  - (i) Reinstatement to their position, if applicable;
  - (ii) Compensation for any losses suffered;
  - (iii) Punitive damages against the retaliating party.

### **68. Alert Portals:**

#### 68.1 Establishment of Alert Portal:

- (a) The Competent Authority shall establish and maintain a centralised online Alert Portal for:
  - (i) Reporting potential violations of this Act;
  - (ii) Submitting complaints about regulated entities; and
  - (iii) Raising concerns about emerging risks in the regulated sector.
- (b) The Alert Portal shall:
  - (i) Be accessible 24/7 via the Authority's website and a mobile application;
  - (ii) Allow for anonymous submissions;
  - (iii) Support uploads of documents, images, and other evidence;
  - (iv) Provide automated acknowledgment of received alerts, including a unique reference number assigned to the latter.

#### 68.2 Categories of Alerts:

- (a) The Alert Portal shall allow for categorisation of submissions, including:
  - (i) Whistleblower reports from employees of regulated entities;
  - (ii) Consumer complaints about products or services;
  - (iii) Reports of environmental incidents or hazards;
  - (iv) Concerns about financial misconduct or fraud;
  - (v) Alerts about potential public health risks;
  - (vi) Reports of non-compliance with regulatory requirements.
- (b) The system shall use intelligent categorisation to route alerts to appropriate departments.

#### 68.3 Processing of Alerts:

- (a) The Competent Authority shall:
  - (i) Acknowledge receipt of all alerts within [X] hours;



- (ii) Conduct an initial assessment of each alert within [X] 5 working days;
- (iii) Decide on further action within [X] working days.
- (b) For each alert, the Authority shall:
  - (i) Assign a unique reference number for tracking;
  - (ii) Record all actions taken in response to the alert; and
  - (iii) Regularly update the status visible to the submitter.
- (c) Where an alert warrants investigation, the Authority shall:
  - (i) Assign an investigator within [X] working days;
  - (ii) Develop an investigation plan with timelines; and
  - (iii) Regularly review progress of the investigation.

#### 68.4 Confidentiality and Data Protection:

- (a) The Alert Portal shall incorporate robust security measures, including:
  - (i) End-to-end encryption of all communications;
  - (ii) Secure storage of all submitted information; and
  - (iii) Access controls limiting staff access to alerts on a need-to-know basis.
- (b) The identity of anonymous submitters shall be protected by:
  - (i) Technical measures preventing tracking or identification; and
  - (ii) Legal prohibitions on attempting to identify anonymous submitters.
- (c) Personal data collected through the Alert Portal shall be:
  - (i) Used only for the purposes of processing and investigating alerts;
  - (ii) Retained only for as long as necessary for these purposes; and
  - (iii) Deleted or anonymised once no longer needed.

#### 68.5 Feedback and Follow-up:

- (a) The Authority shall:
  - (i) Provide updates on the status of the alert at least monthly;
  - (ii) Inform the submitter of the outcome of any investigation; and
  - (iii) Seek additional information from the submitter if needed.
- (b) The Authority shall publish anonymised statistics on alerts received and actions taken, including:
  - (i) Number of alerts by category;
  - (ii) Average response and resolution times; and
  - (iii) Outcomes of investigations prompted by alerts.

#### 68.6 Integration with Other Systems:

- (a) The Alert Portal shall be integrated with:
  - (i) The Authority's case management system;
  - (ii) Relevant databases of regulated entities and licenses; and
  - (iii) Systems of other authorities where appropriate.
- (b) The Portal shall include an API allowing:
  - (i) Regulated entities to submit required reports directly;
  - (ii) Authorised third-party apps to submit alerts on behalf of users.

#### 68.7 Continuous Improvement:

- (a) The Competent Authority shall:
  - (i) Conduct an annual review of the Alert Portal's effectiveness;
  - (ii) Seek feedback from users through periodic surveys; and
  - (iii) Benchmark the system against international best practices.
- (b) Based on these assessments, the Authority shall:
  - (i) Implement improvements to the Portal's functionality;
  - (ii) Enhance internal processes for handling alerts; and

- (iii) Provide additional training to staff managing the Portal.

## **69. Whistleblowing Mechanisms**

### **69.1 Establishment of Whistleblowing Channels:**

(a) The Competent Authority shall establish and maintain secure channels for receiving whistleblower reports, including:

- (i) A dedicated online portal;
- (ii) A toll-free telephone hotline;
- (iii) A secure postal address for written submissions; and
- (iv) In-person reporting facilities at the Authority's offices.

(b) These channels shall:

- (i) Be accessible 24/7;
- (ii) Allow for anonymous reporting;
- (iii) Use encryption and other security measures to protect the confidentiality of reports and reporter identities.

(c) The Competent Authority shall:

(i) Establish an independent Office of the Whistleblower to oversee and coordinate whistleblowing mechanisms across all sectors;

(ii) Ensure the Office has sufficient resources and authority to investigate complaints, enforce protections, and recommend improvements to the whistleblowing framework;

(iii) Require the Office to report annually to Parliament on the state of whistleblowing in the country.

### **69.2 Scope of Reportable Matters:**

(a) Whistleblowers may report on:

- (i) Violations of this Act or related regulations;
- (ii) Criminal offences related to regulated activities;
- (iii) Actions that pose a risk to public health, safety, or the environment;
- (iv) Gross mismanagement or waste of public funds;
- (v) Abuse of authority by regulatory officials.

(b) Reports must be:

- (i) Made in good faith;
- (ii) Based on reasonable grounds; and
- (iii) Related to matters within the Authority's jurisdiction.

(c) Protected disclosures shall include:

- (i) Information about past, present, or likely future wrongdoing;
- (ii) Reasonable beliefs about wrongdoing, even if later proven incorrect;
- (iii) Disclosures made anonymously, if later identified; and
- (iv) Disclosures that may be covered by legal privilege.

### **69.3 Whistleblower Protections:**

(a) Whistleblowers shall be protected from:

- (i) Termination of employment;
- (ii) Demotion or other adverse employment actions;
- (iii) Harassment or discrimination;
- (iv) Civil or criminal liability related to the disclosure; and
- (v) Liability for breach of confidentiality agreements.

(b) These protections apply to:

- (i) Employees and former employees of regulated entities;
- (ii) Contractors and suppliers of regulated entities, their employees and former employees;
- (iii) Individuals applying for employment, internship or similar engagements with regulated entities or with their contractors and suppliers; and

(iv) Current and former volunteers and interns of regulated entities or of their contractors and suppliers.

(c) Protection shall not be afforded to persons who:

- (i) Knowingly make false reports;
- (ii) Seek personal gain through their report;
- (iii) [Participate in the reported wrongdoing].

(d) The burden of proof in retaliation cases shall be on the employer to demonstrate that any adverse action was not motivated by the whistleblower's disclosure.

(e) Whistleblower rights cannot be waived or limited by any agreement, policy, form, or condition of employment, including pre-dispute arbitration agreements.

#### 69.4 Handling of Whistleblower Reports:

(a) The Competent Authority shall:

- (i) Acknowledge receipt of reports within [X] working days;
- (ii) Conduct an initial assessment within [X] working days; and
- (iii) Decide on further action within [X] days of receipt.

(b) Where a report warrants investigation, the Authority shall:

- (i) Assign an investigator within [X] working days;
- (ii) Complete the investigation within [X] days, unless extended for good cause;
- (iii) Inform the whistleblower of the outcome, to the extent legally permissible.

(c) The Authority shall maintain confidentiality throughout the process, revealing the whistleblower's identity only:

- (i) With the explicit consent of the whistleblower;
- (ii) When required by court order.

(d) The Competent Authority shall establish a secure case management system to:

- (i) Track and monitor all whistleblower reports from receipt to resolution;
- (ii) Generate analytics on reporting trends and outcomes;
- (iii) Identify potential systemic issues across multiple reports.

#### 69.5 Internal Whistleblowing Mechanisms:

(a) Regulated entities with more than [X] employees shall:

- (i) Establish internal whistleblowing mechanisms;
- (ii) Designate a senior officer responsible for managing these mechanisms; and
- (iii) Inform all employees about the available reporting channels.

(b) Internal mechanisms must:

- (i) Allow for anonymous reporting;
- (ii) Ensure confidentiality of reports;
- (iii) Provide for independent investigation of reports; and
- (iv) Include safeguards against retaliation.

(c) Regulated entities shall report annually to the Competent Authority on:

- (i) The number and types of internal whistleblower reports received;
- (ii) Actions taken in response to reports;
- (iii) Measures taken to protect whistleblowers.

(d) Regulated entities shall:

- (i) Designate a senior-level whistleblowing champion responsible for promoting and overseeing the internal whistleblowing system;
- (ii) Ensure multiple reporting channels, including to an independent third party;
- (iii) Implement a triage system to assess and prioritise reports based on severity and urgency;
- (iv) Establish clear timelines for acknowledging, investigating, and resolving reports.

#### 69.6 Rewards for Whistleblowers:

(a) The Competent Authority may provide monetary rewards to whistleblowers whose reports:

- (i) Lead to successful enforcement action;
- (ii) Result in the recovery of funds or prevention of losses exceeding [amount].
- (b) Rewards shall be:
  - (i) Between [10]% and [30]% of funds recovered or losses prevented;
  - (ii) Capped at [maximum amount] per case;
  - (iii) Paid from a dedicated Whistleblower Reward Fund.
- (c) Decisions on rewards shall be made by an independent committee and based on:
  - (i) The significance of the information provided;
  - (ii) The degree of assistance provided by the whistleblower;
  - (iii) The Authority's programmatic interest in deterring violations.
- (d) The Competent Authority shall:
  - (i) Establish a dedicated Whistleblower Reward Fund, funded by a percentage of recovered funds or penalties;
  - (ii) Establish the independent committee on rewards and maintain its activity;
  - (iii) Publish anonymised case studies of successful whistleblowing cases and rewards granted;
  - (iv) Ensure reward determinations are made by an independent panel to avoid conflicts of interest.

#### 69.7 Education and Awareness:

- (a) The Competent Authority shall:
  - (i) Conduct regular public awareness campaigns about whistleblowing;
  - (ii) Provide training to regulated entities on establishing effective internal mechanisms; and
  - (iii) Publish guidance materials on whistleblower rights and procedures.
- (b) Regulated entities shall:
  - (i) Include whistleblowing procedures in employee onboarding;
  - (ii) Conduct annual refresher training for all employees; and
  - (iii) Display information about whistleblowing rights prominently in the workplace.
- (c) The Competent Authority shall:
  - (i) Develop sector-specific whistleblowing guidelines and best practices;
  - (ii) Establish a certification program for organisational whistleblowing systems;
  - (iii) Conduct an annual national whistleblowing awareness week.

#### 69.8 Transparency and Reporting:

- (a) The Competent Authority shall publish an annual report on whistleblowing, including:
  - (i) Number and types of reports received;
  - (ii) Outcomes of investigations;
  - (iii) Enforcement actions taken;
  - (iv) Rewards granted; and
  - (v) Emerging trends and systemic issues identified.
- (b) Regulated entities with more than [100] employees [and/or more than [X] annual income from the regulated activity] shall include a whistleblowing section in their annual reports, detailing:
  - (i) The structure and effectiveness of their internal whistleblowing system;
  - (ii) Number and types of reports received;
  - (iii) General outcomes of investigations; and
  - (iv) Measures taken to protect whistleblowers and prevent retaliation.

## 70. Whistleblower and Witness Protection

### 70.1 Establishment of Protection Program:

- (a) The Competent Authority shall establish a Whistleblower and Witness Protection Program to:
  - (i) Ensure the safety and well-being of whistleblowers and witnesses;
  - (ii) Facilitate their cooperation in investigations and proceedings;
  - (iii) Protect them from retaliation or intimidation.

(b) The Program shall be administered by a dedicated Protection Unit within the Authority, which shall:

- (i) Assess protection needs on a case-by-case basis;
- (ii) Implement appropriate protection measures; and
- (iii) Coordinate with law enforcement agencies as necessary.

(c) The Protection Unit shall:

- (i) Develop and implement a risk assessment framework to determine appropriate protection measures;
- (ii) Establish secure communication channels with protected persons;
- (iii) Conduct regular security audits of protection measures; and
- (iv) Provide ongoing psychological support and counseling to protected persons.

#### 70.2 Eligibility for Protection:

(a) The following individuals shall be eligible for protection:

- (i) Whistleblowers who have made protected disclosures under Section 69;
- (ii) Witnesses in investigations or proceedings related to regulatory violations;
- (iii) Immediate family members of whistleblowers or witnesses; and
- (iv) Individuals who have assisted whistleblowers or witnesses.

(b) To be eligible, the individual must:

- (i) Face a credible threat of harm or retaliation;
- (ii) Agree to cooperate fully with any investigation or proceeding;
- (iii) Consent to any reasonable conditions imposed by the Protection Unit.

(c) Protection shall extend to:

- (i) Persons who provide material support to whistleblowers or witnesses;
- (ii) Journalists who report on whistleblower disclosures or witness testimonies; and
- (iii) Family members of protected persons up to the second degree of consanguinity or affinity[, whilst no degree limit applies where physical protection is evidently necessary].

#### 70.3 Types of Protection Measures:

(a) The Protection Unit may implement the following measures:

- (i) Physical protection, including armed escort and secure housing;
- (ii) Relocation of the protected person and their family;
- (iii) Change of identity, including provision of new documentation;
- (iv) Financial assistance for living expenses and lost income;
- (v) Psychological support and counseling;
- (vi) Job transfer or assistance in finding new employment;
- (vii) Monitoring of the protected person's workplace for signs of retaliation; and
- (viii) Legal assistance in civil, criminal, or administrative proceedings.

(b) In determining appropriate measures, the Unit shall consider:

- (i) The nature and severity of the threat;
- (ii) The importance of the person's testimony or information;
- (iii) The person's personal circumstances and preferences; and
- (iv) The cost and practicality of different protection options.

(c) The Protection Unit shall:

- (i) Develop a network of safe dwellings for temporary relocation of protected persons;
- (ii) Establish agreements with employers to facilitate job transfers or paid leave for protected persons; and
- (iii) Provide digital security training and tools to protect against online threats and surveillance.

#### 70.4 Confidentiality:

(a) The Protection Unit shall maintain strict confidentiality regarding:

- (i) The identity of protected persons;

- (ii) The nature and extent of protection measures;
- (iii) The location of protected persons; and
- (iv) The fact of protection as such.
- (b) All staff involved in the Protection Program shall:
  - (i) Sign non-disclosure agreements;
  - (ii) Undergo background checks and security clearance; and
  - (iii) Receive training on information security protocols.
- (c) Breach of confidentiality by staff shall be grounds for:
  - (i) Immediate dismissal from the Protection Program;
  - (ii) Criminal prosecution under applicable laws.
- (d) The Protection Unit shall implement a secure information management system with:
  - (i) End-to-end encryption for all communications;
  - (ii) Strict access controls based on need-to-know principles; and
  - (iii) Audit trails for all access to protected information.

#### 70.5 Duration and Termination of Protection:

- (a) Protection measures shall remain in effect:
  - (i) For the duration of the investigation or proceeding;
  - (ii) For a reasonable period thereafter, based on ongoing risk assessment;
  - (iii) Until the protected person voluntarily withdraws from the Program.
- (b) The Protection Unit may terminate protection if the protected person:
  - (i) Knowingly provides false or misleading information;
  - (ii) Fails to comply with reasonable conditions of the Program;
  - (iii) Engages in criminal activity while under protection;
  - (iv) Waives protection in writing.
- (c) Before termination, the Unit shall:
  - (i) Provide written notice to the protected person;
  - (ii) Allow 14 days for the person to respond or appeal; and
  - (iii) Conduct a final risk assessment.
- (d) The Protection Unit shall:
  - (i) Conduct periodic risk assessments to determine the ongoing need for protection;
  - (ii) Develop individualised exit strategies for protected persons; and
  - (iii) Provide post-protection support services for a period of [X] months after formal protection ends.
- (e) When there are grounds for protection termination and if there are minors among the protected persons, the protection shall continue to the extent needed for minors protection.

#### 70.6 Cooperation with Law Enforcement:

- (a) The Protection Unit shall establish formal cooperation agreements with:
  - (i) National and local police forces;
  - (ii) The public prosecutor's office;
  - (iii) Relevant security agencies.
- (b) These agreements shall cover:
  - (i) Procedures for requesting law enforcement assistance;
  - (ii) Information sharing protocols;
  - (iii) Joint risk assessment methodologies; and
  - (iv) Training and capacity building initiatives.
- (c) The Protection Unit shall:
  - (i) Conduct joint training exercises with law enforcement agencies on witness protection;
  - (ii) Establish secure protocols for sharing information about protected persons with law enforcement when necessary; and

(iii) Develop memoranda of understanding with key law enforcement agencies to clarify roles and responsibilities.

#### 70.7 International Cooperation:

- (a) The Competent Authority may enter into agreements with foreign counterparts to:
  - (i) Relocate protected persons internationally when necessary;
  - (ii) Share best practices in whistleblower and witness protection;
  - (iii) Provide mutual assistance in protection cases.
- (b) Such agreements shall include provisions for:
  - (i) Cost sharing arrangements;
  - (ii) Procedures for transferring protected persons; and
  - (iii) Ongoing monitoring and support of relocated persons.
- (c) The Competent Authority shall:
  - (i) Participate in international networks and forums on whistleblower and witness protection;
  - (ii) Contribute to the development of international standards and best practices; and
  - (iii) Establish a rapid response mechanism for urgent international relocations.

#### 70.8 Remedies for Retaliation:

- (a) Protected persons who suffer retaliation shall be entitled to:
  - (i) Reinstatement to their former position, if applicable;
  - (ii) Compensation for lost wages and benefits;
  - (iii) Damages for pain and suffering;
  - (iv) Punitive damages against the retaliating party.
- (b) The Competent Authority shall:
  - (i) Provide legal assistance to pursue these remedies;
  - (ii) Establish an expedited process for hearing retaliation complaints; and
  - (iii) Have the power to issue interim relief orders pending final determination.
- (c) The Competent Authority shall:
  - (i) Establish a specialised tribunal or court division to hear whistleblower retaliation cases;
  - (ii) Provide free legal representation to whistleblowers in retaliation proceedings; and
  - (iii) Implement a system of administrative fines for employers found to have retaliated against whistleblowers.

#### 70.9 Reporting and Oversight:

- (a) The Protection Unit shall submit annual reports to the Parliament, including:
  - (i) The number of persons protected;
  - (ii) Types of protection measures implemented;
  - (iii) Outcomes of cases involving protected persons; and
  - (iv) Costs associated with the Protection Program.
- (b) An independent oversight committee shall:
  - (i) Review the operations of the Protection Program annually;
  - (ii) Assess the effectiveness of protection measures;
  - (iii) Recommend improvements to the Program; and
  - (iv) Investigate any complaints about the Program's operation.
- (c) The independent oversight committee shall:
  - (i) Have the power to conduct unannounced inspections of the Protection Unit;
  - (ii) Review all cases where protection was denied or terminated; and
  - (iii) Publish an annual public report on the effectiveness of the Protection Program, with recommendations for improvement.

#### 70.10 Education and Awareness:

- (a) The Competent Authority shall:

- (i) Conduct public awareness campaigns about whistleblower and witness protection;
  - (ii) Provide training to law enforcement and judicial officers on working with protected persons;
- and
- (iii) Develop educational materials for potential whistleblowers and witnesses.
- (b) All regulated entities shall:
- (i) Include information about whistleblower and witness protection in their compliance programs; and
  - (ii) Train employees on their rights and obligations regarding protected disclosures and testimony.
- (c) The Protection Unit shall:
- (i) Develop a comprehensive online resource center on whistleblower and witness protection;
  - (ii) Conduct regular media briefings on the importance of whistleblower and witness protection (without disclosing sensitive information); and
  - (iii) Engage with academic institutions to promote research on effective whistleblower and witness protection strategies.

## **M. Dispute Resolution**

### **71. Appeals**

#### **71.1 Establishment of Appeals Mechanism:**

- (a) An independent Regulatory Appeals Tribunal (the Tribunal) is hereby established to hear appeals against decisions of the Competent Authority.
- (b) The Tribunal shall consist of:
  - (i) A Chairperson, who shall be a qualified judge or lawyer;
  - (ii) At least four other members with expertise in relevant fields;
  - (iii) Additional ad hoc members appointed for specific cases as needed; and
  - (iv) A secretariat to provide administrative support.
- (c) Members shall be appointed by [relevant appointing authority] for terms of [X] years, [renewable once].
- (d) Members may only be removed for misconduct or incapacity, following an independent inquiry.

#### **71.2 Jurisdiction of the Tribunal:**

The Tribunal shall have jurisdiction to hear appeals against:

- (a) Licensing decisions, including refusals, suspensions, or revocations;
- (b) Enforcement actions and penalties imposed by the Competent Authority;
- (c) Decisions on data protection matters under Section 74; and
- (d) Any other decisions specified in regulations as appealable.

#### **71.3 Right to Appeal:**

- (a) Any person aggrieved by a decision of the Competent Authority may appeal to the [Regulatory Appeals Tribunal] within [30] days of the decision.
- (b) Appealable decisions include, but are not limited to:
  - (i) Refusal, suspension, or revocation of licenses or authorisations;
  - (ii) Imposition of administrative, civil, financial and other penalties, side-measures;
  - (iii) Orders to cease operations or recall products; and
  - (iv) Decisions on whistleblower protection or rewards.
- (c) The appeal shall not suspend the effect of the decision unless the Tribunal orders otherwise.

#### **71.4 Powers of the Tribunal:**

- (a) The Tribunal may:
  - (i) Affirm, vary, or set aside the decision of the Competent Authority;



- (ii) Remit the matter to the Authority for reconsideration;
  - (iii) Substitute its own decision for that of the Authority;
  - (iv) Issue interim orders to preserve the status quo or prevent irreparable harm.
- (b) The Tribunal shall have the same powers as a civil court in respect of:
- (i) Summoning and enforcing attendance of witnesses;
  - (ii) Requiring the discovery and production of documents;
  - (iii) Receiving evidence on affidavits; and
  - (iv) Issuing commissions for the examination of witnesses or documents.

#### 71.5 Appeal Procedures:

- (a) An appeal must be filed within [30] days of the decision being appealed, unless the Tribunal grants an extension for good cause.
- (b) Appeals shall be filed in writing and include:
- (i) The grounds for appeal;
  - (ii) Any supporting evidence;
  - (iii) The relief sought.
- (c) Appeals shall be served on the Competent Authority and any other affected parties.
- (d) The Competent Authority shall file a response within [21] days of receiving the appeal.
- (e) The Tribunal may:
- (i) Hold oral hearings if deemed necessary;
  - (ii) Request additional information from either party;
  - (iii) Appoint independent experts to advise on technical matters.
- (f) The Tribunal shall issue a reasoned decision within [90] days of the hearing or final submissions.

#### 71.5 Interim Relief:

- (a) The Tribunal may grant interim relief pending the final determination of an appeal, including:
- (i) Stay of the Competent Authority's decision;
  - (ii) Temporary continuation of a suspended license;
  - (iii) Any other measure necessary to preserve the status quo or prevent irreparable harm.
- (b) In deciding on interim relief, the Tribunal shall consider:
- (i) The likelihood of success on the merits of the appeal;
  - (ii) The balance of convenience between the parties;
  - (iii) Any public interest considerations.

#### 71.6 Class Actions:

- (a) Where multiple persons are affected by the same decision or action of the Competent Authority, they may bring a class action before the Regulatory Appeals Tribunal.
- (b) To certify a class action, the Tribunal must be satisfied that:
- (i) There are common issues of fact or law;
  - (ii) A class action is the most efficient means of resolving the disputes; and
  - (iii) The representative plaintiff can fairly represent the interests of the class.
- (c) The Tribunal shall establish procedures for:
- (i) Notifying potential class members;
  - (ii) Opting in or out of the class; and
  - (iii) Distributing any damages or other remedies awarded.

#### 71.7 Judicial Review:

- (a) Decisions of the Regulatory Appeals Tribunal may be subject to judicial review by the High Court on grounds of:
- (i) Lack of jurisdiction;
  - (ii) Error of law;

- (iii) Procedural impropriety;
- (iv) Irrationality or unreasonableness.
- (b) Applications for judicial review must be filed within [60] days of the Tribunal's decision.
- (c) The High Court may:
  - (i) Quash the decision and remit it to the Tribunal for reconsideration;
  - (ii) Prohibit the Tribunal from proceeding in breach of natural justice;
  - (iii) Compel the Tribunal to perform its statutory duties;
  - (iv) Affirm or vary the decision of the Tribunal;
  - (iv) In exceptional cases, substitute its own decision for that of the Tribunal.

#### 71.8 Costs and Accessibility:

- (a) The Tribunal may make orders as to costs, considering:
  - (i) The outcome of the appeal;
  - (ii) The conduct of the parties;
  - (iii) The financial resources of the parties;
  - (iv) The public interest nature of the case.
- (b) To ensure accessibility:
  - (i) Filing fees for appeals shall be set at a reasonable level;
  - (ii) The Tribunal may waive fees in cases of financial hardship;
  - (iii) Parties may represent themselves or be represented by any person of their choice, not necessarily a lawyer.
- (c) Where an appeal raises important points of principle, the Tribunal may order that each party bear its own costs regardless of the outcome.

#### 71.9 Enforcement of Decisions:

- (a) Decisions of the Tribunal shall be enforceable as if they were orders of the High Court.
- (b) Non-compliance with a Tribunal decision may result in:
  - (i) Contempt proceedings;
  - (ii) Additional penalties imposed by the Competent Authority;
  - (iii) Publication of the non-compliance on the Authority's website.

#### 71.10 Annual Report:

- (a) The Tribunal shall publish an annual report including:
  - (i) Statistics on appeals received, disposed, and pending;
  - (ii) Summaries of significant decisions; and
  - (iii) Any recommendations for improving the regulatory framework.
- (b) This report shall be:
  - (i) Submitted to Parliament;
  - (ii) Made publicly available on the Tribunal's website;
  - (iii) Used to inform ongoing improvements to the regulatory system.

### **72. Alternative Dispute Resolution:**

- (a) The Competent Authority shall establish an Alternative Dispute Resolution (ADR) mechanism for resolving disputes between:
  - (i) Regulated entities and the Authority;
  - (ii) Different regulated entities;
  - (iii) Regulated entities and consumers.
- (b) This ADR mechanism may include:
  - (i) Mediation by neutral third parties;
  - (ii) Expert determination for technical disputes;
  - (iii) Early neutral evaluation to encourage settlements.
- (c) Participation in ADR shall be:

- (i) Voluntary, unless made mandatory by specific regulations;
  - (ii) Without prejudice to the right of appeal to the Tribunal;
  - (iii) Confidential, with any admissions or proposals made during ADR not admissible in subsequent proceedings.
- (d) Agreements reached through mediation shall be binding on the parties and enforceable in court.

### **73. Interpretation and Conflict Resolution**

#### **73.1 General Rules of Interpretation:**

- (a) This Act shall be interpreted in a manner that:
  - (i) Promotes its purposes and principles as set out in Section 1;
  - (ii) Ensures consistency with international best practices in regulation; and
  - (iii) Upholds the rights and protections granted to individuals and entities.
- (b) Where any provision of this Act is ambiguous, the interpretation that best serves the public interest shall be preferred.

#### **73.2 Definitions:**

- (a) Unless the context otherwise requires, terms used in this Act shall have the meanings assigned to them in Section [X] (Definitions).
- (b) The Competent Authority may issue interpretative guidelines to clarify the meaning of terms not explicitly defined in the Act.

#### **73.3 Conflict with Other Laws:**

- (a) In case of conflict between this Act and any other law:
  - (i) The provisions of this Act shall prevail to the extent of the inconsistency, unless the other law explicitly states otherwise;
  - (ii) Both laws shall be interpreted, where possible, to give effect to both, with this Act taking precedence in matters specific to its regulatory domain.
- (b) Nothing in this Act shall be construed as:
  - (i) Limiting any rights or protections granted under the Constitution;
  - (ii) Superseding international treaties or agreements to which [Country] is a party, unless explicitly stated.

#### **73.4 Internal Consistency:**

- (a) The various parts, sections, and provisions of this Act shall be interpreted as a coherent whole.
- (b) Where apparent contradictions exist within the Act:
  - (i) More specific provisions shall prevail over general ones;
  - (ii) Later provisions in sequence shall prevail over earlier ones, unless clearly intended otherwise.

#### **73.5 Use of Explanatory Materials:**

- (a) In interpreting this Act, reference may be made to:
  - (i) Explanatory memoranda or notes accompanying the Act when it was introduced in Parliament;
  - (ii) Reports of parliamentary committees that considered the Act; and
  - (iii) Relevant international standards or guidelines referenced in the Act.
- (b) These materials shall be used to:
  - (i) Resolve ambiguities in the text of the Act;
  - (ii) Confirm or determine the meaning when the text is unclear; and
  - (iii) Identify the mischief the Act was intended to remedy.

#### **73.6 Technological Neutrality:**

(a) The provisions of this Act shall be interpreted and applied in a technologically neutral manner, to the extent possible.

(b) References to specific technologies shall be construed to include:

- (i) Equivalent technologies that may emerge in the future; and
- (ii) Technological processes that achieve the same regulatory objectives.

#### 73.7 Purposive Interpretation:

(a) In case of ambiguity, the provisions of this Act shall be interpreted in a manner that:

- (i) Best achieves the regulatory objectives stated in the Act;
- (ii) Promotes innovation and development in the regulated sectors; and
- (iii) Protects the rights and interests of consumers and the public.

#### 73.8 Resolution of Conflicts between Regulatory Objectives:

(a) Where conflicts arise between different regulatory objectives of this Act, the Competent Authority and the courts shall:

(i) Seek to balance the competing objectives in a manner that best serves the overall public interest;

- (ii) Provide a reasoned explanation for its chosen approach in resolving the conflict;
- (iii) Consult with affected stakeholders before making a final determination.

#### 73.9 Interpretation in Light of International Obligations:

(a) This Act shall be interpreted, where possible, in a manner consistent with [Country]'s international obligations, including:

- (i) Bilateral and multilateral trade agreements;
- (ii) International conventions on regulatory cooperation;
- (iii) Global standards and best practices in the relevant regulatory fields.

#### 73.10 Competent Authority's Power to Issue Interpretative Statements:

(a) The Competent Authority may issue formal interpretative statements to:

- (i) Clarify ambiguities in the Act or its implementing regulations;
- (ii) Provide guidance on the application of the Act to novel situations;
- (iii) Ensure consistent interpretation across different regulated entities.

(b) Such interpretative statements shall:

- (i) Be published on the Authority's website; and
- (ii) Be binding on the Authority until formally revised or revoked;
- (iii) Be considered by courts as persuasive, though not binding, authority in interpreting the Act.

## **N. Data and Information**

### **74. Data Protection and Privacy**

#### 74.1 Scope of Data Protection:

(a) This section applies to all personal data collected, processed, or stored by:

- (i) The Competent Authority;
- (ii) Regulated entities in the course of their activities regulated by this Act; and
- (iii) Third parties acting on behalf of the Authority or regulated entities.

(b) Personal data includes any information relating to an identified or identifiable natural person, including but not limited to:

- (i) Names, identification numbers, and contact details;
- (ii) Financial and transaction data;
- (iii) Biometric and health data; and
- (iv) Location data and online identifiers.

#### 74.2 Data Protection Principles:

- (a) All entities handling personal data shall adhere to the following principles:
  - (i) Lawfulness, fairness, and transparency in data processing;
  - (ii) Purpose limitation: data collected for specified, explicit, and legitimate purposes;
  - (iii) Data minimisation: adequate, relevant, and limited to what is necessary;
  - (iv) Accuracy: kept up to date, with inaccurate data erased or rectified;
  - (v) Storage limitation: kept in identifiable form only as long as necessary; and
  - (vi) Integrity and confidentiality: processed securely to protect against unauthorised access or loss.
- (b) The Competent Authority shall issue detailed guidelines on the application of these principles.

#### 74.3 Legal Basis for Processing:

- (a) Personal data may only be processed if at least one of the following applies:
  - (i) The data subject has given a respective consent for specific purposes;
  - (ii) Processing is necessary for the performance of a contract;
  - (iii) Processing is necessary for compliance with a legal obligation;
  - (iv) Processing is necessary to protect vital interests of the data subject or another person;
  - (v) Processing is necessary for the performance of a task carried out in the public interest;
  - (vi) Processing is necessary for legitimate interests pursued by the controller or a third party, except where overridden by the interests or rights of the data subject.
- (b) For sensitive personal data, additional safeguards and explicit consent shall be required.

#### 74.4 Rights of Data Subjects:

- (a) Data subjects shall have the following rights:
  - (i) Right to be informed about the collection and use of their personal data;
  - (ii) Right of access to their personal data;
  - (iii) Right to rectification of inaccurate data;
  - (iv) Right to erasure ('right to be forgotten') in certain circumstances;
  - (v) Right to restrict processing;
  - (vi) Right to data portability;
  - (vii) Right to object to processing; and
  - (viii) Rights related to automated decision making and profiling.
- (b) The Competent Authority and regulated entities shall establish procedures for data subjects to exercise these rights.

#### 74.5 Data Protection Impact Assessments:

- (a) The Competent Authority and regulated entities shall conduct data protection impact assessments for high-risk processing activities, including:
  - (i) Systematic and extensive profiling with significant effects;
  - (ii) Large scale processing of sensitive data;
  - (iii) Large scale, systematic monitoring of publicly accessible areas.
- (b) These assessments shall include:
  - (i) A systematic description of the processing operations;
  - (ii) An assessment of the necessity and proportionality of the processing;
  - (iii) An assessment of risks to the rights and freedoms of data subjects;
  - (iv) Measures envisaged to address the risks.

#### 74.6 Data Breach Notification:

- (a) In the event of a personal data breach, the controller shall:
  - (i) Notify the Competent Authority within 72 hours of becoming aware of the breach;
  - (ii) Notify affected data subjects without undue delay if the breach is likely to result in high risk to their rights and freedoms.

- (b) The notification shall include:
  - (i) The nature of the breach and categories of data affected;
  - (ii) The likely consequences of the breach;
  - (iii) Measures taken or proposed to address the breach; and
  - (iv) Contact details for further information.

#### 74.7 Data Protection Officers:

(a) The Competent Authority and regulated entities shall designate a Data Protection Officer if they:

- (i) Are a public authority or body;
- (ii) Carry out large scale systematic monitoring of individuals;
- (iii) Carry out large scale processing of sensitive personal data.

(b) The Data Protection Officer shall:

- (i) Inform and advise on data protection obligations;
- (ii) Monitor compliance with data protection laws and policies;
- (iii) Provide advice on data protection impact assessments;
- (iv) Cooperate with the supervisory authority; and
- (v) Act as a contact point for data subjects and the supervisory authority.

#### 74.8 International Data Transfers:

(a) Transfers of personal data to third countries or international organisations may only take place if:

- (i) The recipient ensures an adequate level of protection;
- (ii) Appropriate safeguards are in place, such as binding corporate rules or standard contractual clauses;
- (iii) Specific derogations apply, such as explicit consent or necessity for the performance of a contract.

(b) The Competent Authority shall maintain a list of countries and organisations providing adequate protection.

#### 74.9 Enforcement and Penalties:

(a) The Competent Authority shall have the power to:

- (i) Issue warnings and reprimands;
- (ii) Impose temporary or permanent bans on data processing;
- (iii) Order the rectification, restriction, or erasure of data; and
- (iv) Impose administrative fines.

(b) Administrative fines for serious infringements may be up to the higher of:

- (i) [X]% of annual global turnover; or
- (ii) [Y] amount.

## **75. Transparency and Reporting Requirements**

### 75.1 Public Register of Regulated Entities:

(a) The Competent Authority shall maintain a public register of all regulated entities, including:

- (i) Name and contact details of the entity;
- (ii) Types of activities authorised;
- (iii) Date of authorisation and its expiry;
- (iv) Any conditions or restrictions on the authorisation; and
- (v) Enforcement actions taken against the entity.

(b) This register shall be:

- (i) Freely accessible on the Authority's website;
- (ii) Updated within [5] working days of any changes; and
- (iii) Searchable by various criteria including entity name, activity type, and location.

#### 75.2 Disclosure of Regulatory Decisions:

- (a) The Competent Authority shall publish:
  - (i) All significant regulatory decisions, including the rationale;
  - (ii) Guidelines and interpretations of regulatory requirements;
  - (iii) Enforcement actions and penalties imposed; and
  - (iv) Aggregate data on complaints received and their resolution.
- (b) Publications shall:
  - (i) Redact confidential business information and personal data;
  - (ii) Be made within [30] days of the decision or action;
  - (iii) Be available on the Authority's website for at least [5] years.

#### 75.3 Annual Reporting by Regulated Entities:

- (a) All regulated entities shall submit annual reports to the Competent Authority, including:
  - (i) Financial statements audited by an independent auditor;
  - (ii) Compliance statement signed by the CEO or equivalent;
  - (iii) Details of any significant changes in operations or ownership;
  - (iv) Summary of complaints received and their resolution;
  - (v) Report on environmental and social impact, where applicable; and
  - (vi) Any other information required under this Act.
- (b) These reports shall be:
  - (i) Submitted within [4] months of the end of the financial year;
  - (ii) In a standardised format prescribed by the Authority; and
  - (iii) Accompanied by any supporting documents required by regulations.

#### 75.4 Disclosure of Ownership and Control:

- (a) Regulated entities shall disclose:
  - (i) Their property structure and ultimate beneficial owners;
  - (ii) Any persons with significant control over the entity; and
  - (iii) Group structure and related entities, if part of a corporate group.
- (b) This information shall be:
  - (i) Updated within [30] days of any changes;
  - (ii) Verified annually as part of the compliance statement; and
  - (iii) Made available to the public, subject to protection of personal information.

#### 75.5 Incident Reporting:

- (a) Regulated entities shall report to the Competent Authority:
  - (i) Any significant operational incidents within [24] hours;
  - (ii) Data breaches in the meaning of Section 74.6; and
  - (iii) Any events that may have a material impact on their ability to meet regulatory obligations.
- (b) The report shall include:
  - (i) Nature and cause of the incident;
  - (ii) Impact on customers or operations;
  - (iii) Measures taken to mitigate the impact; and
  - (iv) Steps to prevent recurrence.

#### 75.6 Public Consultations:

- (a) The Competent Authority shall conduct public consultations on:
  - (i) Proposed new regulations or significant changes to existing ones;
  - (ii) Strategic plans and priority setting; and
  - (iii) Any other matters of significant public interest.
- (b) Consultation processes shall:

- (i) Allow at least [60] days for public input;
- (ii) Publish all submissions received, unless confidentiality is requested;
- (iii) Provide a summary of submissions received, and a response to significant issues raised in the consultation.

#### 75.7 Performance Reporting by the Competent Authority:

- (a) The Competent Authority shall publish an annual report including:
  - (i) Overview of regulatory activities and achievements;
  - (ii) Financial statements and budget utilisation;
  - (iii) Performance against key indicators;
  - (iv) Significant challenges and plans to address them; and
  - (v) Strategic priorities for the coming year.
- (b) This report shall be:
  - (i) Submitted to Parliament within [6] months of the end of the financial year;
  - (ii) Made publicly available on the Authority's website; and
  - (iii) Presented at an annual public meeting where stakeholders can ask questions.

#### 75.8 Information Accessibility:

- (a) All public disclosures and reports shall be:
  - (i) In plain language, avoiding technical jargon where possible;
  - (ii) Available in the official language(s) of the country;
  - (iii) Accessible to persons with disabilities; and
  - (iv) Machine-readable where appropriate to facilitate data analysis.
- (b) The Competent Authority shall maintain a public information office to:
  - (i) Respond to information requests from the public;
  - (ii) Assist in interpreting published information; and
  - (iii) Facilitate access to historical records.

## **O. Emergencies**

### **76. Emergency Procedures**

#### 76.1 Definition of Emergency:

- (a) For the purposes of this Act, an emergency is defined as:
  - (i) A situation that poses an immediate risk to health, life, property, or the environment;
  - (ii) An event that requires urgent intervention to prevent worsening of the situation;
  - (iii) A circumstance that threatens the integrity or continuity of critical regulated services.
- (b) The Competent Authority may declare an emergency when:
  - (i) Normal regulatory procedures are insufficient to address the situation;
  - (ii) Immediate action is required to protect public interest;
  - (iii) The scale or nature of the event exceeds the routine capacity of regulated entities.

#### 76.2 Emergency Powers:

- (a) During a declared emergency, the Competent Authority may:
  - (i) Issue binding directives to regulated entities without normal consultation periods;
  - (ii) Temporarily suspend or modify certain regulatory requirements;
  - (iii) Require immediate reporting and information sharing from regulated entities;
  - (iv) Reallocate resources or mandate cooperation between entities;
  - (v) Assume direct control of critical functions if necessary.
- (b) These powers shall be:
  - (i) Proportionate to the nature and scale of the emergency;
  - (ii) Limited in duration to the period of the emergency; and
  - (iii) Subject to ongoing review and justification.



### 76.3 Emergency Response Procedures:

- (a) The Competent Authority shall maintain an Emergency Response Plan, which includes:
  - (i) Clear chain of command and decision-making processes;
  - (ii) Protocols for rapid assessment of emergencies;
  - (iii) Procedures for activating emergency powers;
  - (iv) Communication strategies for stakeholders and the public; and
  - (v) Coordination mechanisms with other relevant agencies.
- (b) This plan shall be:
  - (i) Reviewed and updated annually;
  - (ii) Tested through regular simulation exercises; and
  - (iii) Made publicly available, subject to necessary security redactions.

### 76.4 Obligations of Regulated Entities:

- (a) All regulated entities shall:
  - (i) Develop and maintain their own emergency response plans;
  - (ii) Conduct regular emergency drills and staff training;
  - (iii) Establish clear internal and external communication protocols for emergencies; and
  - (iv) Maintain emergency reserves or backup systems as required by regulations.
- (b) During a declared emergency, regulated entities must:
  - (i) Implement their emergency response plans immediately;
  - (ii) Comply with all directives issued by the Competent Authority;
  - (iii) Provide real-time updates to the Authority on their situation and actions.

### 76.5 Emergency Funding:

- (a) An Emergency Response Fund shall be established to:
  - (i) Provide immediate financial resources during emergencies;
  - (ii) Cover costs of emergency measures taken by the Competent Authority; and
  - (iii) Offer temporary financial support to critical regulated entities if necessary.
- (b) This fund shall be:
  - (i) Maintained at a minimum balance of [X] amount;
  - (ii) Replenished through a levy on regulated entities;
  - (iii) Subject to strict accounting and auditing procedures.

### 76.6 Information Sharing and Coordination:

- (a) During an emergency, the Competent Authority shall:
  - (i) Establish an Emergency Coordination Center;
  - (ii) Liaise with other relevant government agencies and emergency services;
  - (iii) Provide regular public updates through multiple channels; and
  - (iv) Operate a 24/7 hotline for emergency-related inquiries.
- (b) Regulated entities shall:
  - (i) Designate emergency contact persons available 24/7;
  - (ii) Participate in joint emergency response teams if required; and
  - (iii) Share relevant data and resources to address the emergency.

### 76.7 Post-Emergency Review:

- (a) Within [30] days of the end of an emergency, the Competent Authority shall:
  - (i) Conduct a comprehensive review of the emergency response;
  - (ii) Identify lessons learned and areas for improvement; and
  - (iii) Update emergency procedures based on the review findings.
- (b) This review shall:
  - (i) Include input from regulated entities and other stakeholders;

- (ii) Be submitted to the relevant parliamentary committee;
- (iii) Be made publicly available, subject to necessary redactions.

#### 76.8 Liability and Indemnity:

- (a) Actions taken in good faith under emergency powers shall not be grounds for liability against:
  - (i) The Competent Authority or its staff;
  - (ii) Regulated entities complying with emergency directives;
  - (iii) Individuals acting under the authority of the Competent Authority.
- (b) However, this protection does not extend to:
  - (i) Willful misconduct or gross negligence;
  - (ii) Actions taken outside the scope of emergency powers;
  - (iii) Failure to comply with emergency directives.

## **P. Financial Implementation**

### **77. Financial Provisions**

#### 77.1 Funding Sources:

- (a) The Competent Authority shall be funded through:
  - (i) Fees charged for licenses, authorisations, and other services;
  - (ii) Levies on regulated entities based on their annual turnover or other appropriate metrics;
  - (iii) Fines and penalties collected from enforcement actions;
  - (iv) Appropriations from the national budget as approved by Parliament; and
  - (v) Grants or donations from international organisations or development partners.
- (b) The Authority shall strive to achieve financial self-sufficiency through fees and levies, reducing reliance on government appropriations over time.

#### 77.2 Budget Preparation and Approval:

- (a) The Competent Authority shall prepare an annual budget that includes:
  - (i) Projected revenues from all sources;
  - (ii) Planned expenditures for operations, capital investments, and special projects; and
  - (iii) Any proposed changes to fee structures or levy rates.
- (b) The draft budget shall be:
  - (i) Approved by the Board of the Authority;
  - (ii) Submitted to the relevant Minister at least three months before the start of the financial year;
  - (iii) Presented to the parliamentary committee responsible for oversight of the Authority.
- (c) Once approved, the budget shall be published on the Authority's website.

#### 77.3 Financial Management and Controls:

- (a) The Competent Authority shall:
  - (i) Maintain proper books of accounts and records;
  - (ii) Prepare financial statements in accordance with International Financial Reporting Standards;
  - (iii) Implement robust internal control systems; and
  - (iv) Establish an internal audit function reporting directly to the Board.
- (b) The Authority shall appoint an external auditor who shall:
  - (i) Be a registered public auditor;
  - (ii) Be appointed for a term of three years, renewable once; and
  - (iii) Conduct annual audits of the Authority's financial statements.

#### 77.4 Investment of Funds:

- (a) The Competent Authority may invest any surplus funds not immediately required, subject to:
  - (i) An investment policy approved by the Board;
  - (ii) Restrictions on high-risk or speculative investments;

- (iii) Regular reporting on investment performance.
- (b) Investment income shall be:
  - (i) Used to support the Authority's regulatory activities;
  - (ii) Reported separately in financial statements; and
  - (iii) Considered when setting fees and levies to avoid over-collection.

#### 77.5 Financial Reporting:

(a) Within three months after the end of each financial year, the Competent Authority shall prepare:

- (i) Annual financial statements;
  - (ii) A report on its operations and performance; and
  - (iii) A report on the use of funds collected through fees, levies, and fines.
- (b) These reports shall be:
- (i) Submitted to the Minister and Parliament;
  - (ii) Published on the Authority's website;
  - (iii) Made available to the public upon request.

#### 77.6 Special Funds:

(a) The Competent Authority may establish special purpose funds, including:

- (i) An Innovation Fund to support research and development in the regulated sectors;
- (ii) A Consumer Protection Fund to compensate consumers for losses due to regulatory failures;

and

- (iii) An Emergency Response Fund as outlined in Section 76.5.

(b) Each special fund shall have:

- (i) Clear objectives and criteria for use;
- (ii) Separate accounting and reporting;
- (iii) Oversight by a dedicated committee of the Board.

#### 77.7 Procurement:

(a) The Competent Authority shall establish procurement procedures that ensure:

- (i) Transparency and fair competition;
- (ii) Value for money in all purchases;
- (iii) Promotion of local content where possible without compromising quality.

(b) For major contracts above [threshold amount], the Authority shall:

- (i) Use open competitive bidding;
- (ii) Publish tender notices widely;
- (iii) Disclose contract awards on its website.

#### 77.8 Asset Management:

(a) The Competent Authority shall:

- (i) Maintain a comprehensive asset register;
- (ii) Conduct regular physical verifications of assets;
- (iii) Implement an asset maintenance and replacement plan; and
- (iv) Dispose of assets in a transparent manner, maximising returns.

(b) The Authority shall not dispose of any major asset without Board approval and notification to the Minister.

#### 77.9 Financial Accountability:

(a) The Competent Authority shall be subject to:

- (i) Annual performance audits by the National Audit Office;
- (ii) Periodic value-for-money audits;
- (iii) Scrutiny by relevant parliamentary committees.

(b) The Authority shall respond to all audit findings and recommendations within 60 days, detailing corrective actions to be taken.

#### 77.10 Financial Regulations:

- (a) The Board shall issue detailed financial regulations covering:
  - (i) Financial planning and budgeting processes;
  - (ii) Revenue collection and management;
  - (iii) Expenditure controls and authorisation levels;
  - (iv) Asset and liability management; and
  - (v) Financial reporting requirements.
- (b) These regulations shall be:
  - (i) Reviewed and updated at least every three years;
  - (ii) Made available to all staff;
  - (iii) Published on the Authority's website for transparency.

## **Q. Final Provisions / Miscellaneous**

### **78. Review of Act**

#### 78.1 Review of initial Implementation:

- (a) The Minister shall:
  - (i) Review the implementation of this Act after one year from its commencement;
  - (ii) Present a report to Parliament on the progress of implementation;
  - (iii) Make recommendations for any necessary amendments or additional measures.
- (b) This review shall be made public and shall inform any subsequent amendments to the Act or its regulations.

#### 78.2 Periodic Review:

- (a) The Minister shall initiate a comprehensive review of this Act:
  - (i) Within five years of its coming into force;
  - (ii) Subsequently, at intervals not exceeding seven years.
- (b) The review shall assess:
  - (i) The effectiveness of the Act in achieving its objectives;
  - (ii) Any unintended consequences or adverse effects;
  - (iii) The need for amendments to address emerging issues or challenges;
  - (iv) The Act's alignment with international best practices and obligations.

#### 78.3 Review Committee:

- (a) The Minister shall appoint a Review Committee comprising:
  - (i) An independent chairperson with legal expertise;
  - (ii) Representatives from relevant government departments;
  - (iii) Experts from academia and industry;
  - (iv) Representatives from civil society organisations.
- (b) The Committee shall:
  - (i) Determine its own procedures;
  - (ii) Have the power to commission research and seek expert advice;
  - (iii) Consult widely with stakeholders and the public; and
  - (iv) Submit a report to the Minister within 12 months of its appointment.

#### 78.4 Consultation Process:

- (a) The Review Committee shall conduct public consultations, including:
  - (i) Publishing a discussion paper outlining key issues;
  - (ii) Inviting written submissions from interested parties;

- (iii) Holding public hearings in major cities;
  - (iv) Engaging with specific stakeholder groups through targeted consultations.
- (b) All submissions and transcripts of hearings shall be made publicly available, subject to confidentiality considerations.

#### 78.5 Content of Review:

- (a) The review shall consider the following, but will not be limited them:
- (i) The scope and coverage of regulated activities;
  - (ii) The powers and resources of the Competent Authority;
  - (iii) The effectiveness of enforcement mechanisms;
  - (iv) The adequacy of penalties and sanctions;
  - (v) The impact on innovation and competitiveness;
  - (vi) The interaction with other relevant legislation;
  - (vii) International regulatory developments and their implications.

#### 78.6 Review Report:

- (a) The Review Committee's report shall include:
- (i) A summary of the consultation process and key findings;
  - (ii) An assessment of the Act's performance against its objectives;
  - (iii) Recommendations for amendments or reforms;
  - (iv) A regulatory impact assessment of proposed changes; and
  - (v) Minority views, if any, from Committee members.
- (b) The Minister shall:
- (i) Table the report in Parliament within 30 days of receiving it;
  - (ii) Publish the report on the Ministry's website; and
  - (iii) Provide a formal response to the report within six months.

#### 78.7 Implementation of Recommendations:

- (a) Within 12 months of the report's publication, the Minister shall:
- (i) Develop an action plan for implementing accepted recommendations;
  - (ii) Introduce any necessary amending legislation to Parliament; and
  - (iii) Direct the Competent Authority to make any required changes to regulations or procedures.
- (b) The Minister shall report annually to Parliament on the progress of implementing the review's recommendations until all accepted recommendations have been addressed.

#### 78.8 Interim Reviews:

- (a) Notwithstanding the periodic review, the Minister may initiate targeted reviews of specific aspects of the Act at any time if:
- (i) Significant issues are identified through the Act's operation;
  - (ii) Rapid technological or market changes necessitate regulatory adaptation;
  - (iii) International obligations require amendments to the Act.
- (b) Such interim reviews shall follow a similar process of stakeholder consultation and public reporting as the comprehensive review.

### **79. Amendment of Act**

#### 79.1 Initiation of Amendments:

- (a) Amendments to this Act may be initiated by:
- (i) The Minister, based on recommendations from the periodic review or other policy considerations;
  - (ii) The Competent Authority, in response to operational challenges or emerging risks;
  - (iii) Members of Parliament, through private member's bills;
  - (iv) Public petition, if supported by at least [X] signatures.

- (b) All proposed amendments shall be accompanied by:
  - (i) A statement of objectives and reasons for the amendment;
  - (ii) A regulatory impact assessment; and
  - (iii) A report on stakeholder consultations conducted.

#### 79.2 Consultation Process:

- (a) Before introducing any amendment bill to Parliament, the Minister shall:
  - (i) Publish the proposed amendments for public comment for at least 60 days;
  - (ii) Hold public hearings in at least three major cities;
  - (iii) Consult with the Competent Authority and other relevant government agencies;
  - (iv) Seek input from industry associations and consumer groups.
- (b) The Minister shall publish a report summarising:
  - (i) All feedback received during the consultation;
  - (ii) How this feedback has been addressed in the final amendment bill;
  - (iii) Reasons for not incorporating significant suggestions.

#### 79.3 Parliamentary Procedure:

- (a) Amendment bills shall be introduced in Parliament and:
  - (i) Referred to the relevant standing committee for detailed examination;
  - (ii) Subject to at least two rounds of debate in both houses of Parliament;
  - (iii) Passed by a simple majority, unless the amendment affects fundamental rights or federal structure, in which case a two-thirds majority is required.
- (b) The standing committee shall:
  - (i) Invite expert testimony on the proposed amendments;
  - (ii) Consider written submissions from stakeholders;
  - (iii) Publish a report with its recommendations within 90 days.

#### 79.4 Types of Amendments:

- (a) Substantive amendments that significantly alter the scope, principles, or enforcement mechanisms of the Act shall:
  - (i) Be introduced as separate amendment bills;
  - (ii) Be subject to the full consultation and parliamentary process.
- (b) Minor or technical amendments may be:
  - (i) Bundled into omnibus amendment bills;
  - (ii) Subject to an expedited process, if there is cross-party consensus.

#### 79.5 Emergency Amendments:

- (a) In cases of urgent public interest, the Minister may introduce emergency amendments that:
  - (i) Come into force immediately upon presidential assent;
  - (ii) Remain in force for no more than 180 days unless ratified by Parliament.
- (b) Emergency amendments shall:
  - (i) Be limited to addressing the specific urgent issue;
  - (ii) Be presented to Parliament within 30 days of coming into force;
  - (iii) Be subject to ex-post stakeholder consultation and impact assessment.

#### 79.6 Consequential Amendments:

- (a) Where amendments to this Act necessitate changes to other legislation, the amendment bill shall:
  - (i) Include a schedule of all consequential amendments required; and
  - (ii) Provide for transitional arrangements where necessary.
- (b) The Minister shall coordinate with other relevant ministries to ensure consistency across affected legislation.

#### 79.7 Post-Amendment Review:

- (a) The Competent Authority shall:
  - (i) Review the implementation of significant amendments after 12 months;
  - (ii) Report to Parliament on the effectiveness of the amendments;
  - (iii) Recommend any further adjustments needed.
- (b) This review shall assess:
  - (i) Whether the amendments have achieved their intended objectives;
  - (ii) Any unintended consequences or implementation challenges;
  - (iii) The level of compliance and enforcement effectiveness.

### **80. Entry into Force**

#### 80.1 Effective Date:

- (a) This Act shall come into force:
  - (i) On [specific date]; or
  - (ii) 90 days after its publication in the Official Gazette, whichever is later.
- (b) Different provisions of the Act may come into force on different dates, as specified by the Minister through notifications in the Official Gazette.

#### 80.2 Preparatory Actions:

- (a) Upon enactment but before the effective date, the Minister may:
  - (i) Appoint key personnel for the Competent Authority;
  - (ii) Allocate budgets and resources for implementation;
  - (iii) Draft necessary regulations and guidelines;
  - (iv) Establish required institutional structures.
- (b) These preparatory actions shall not create any rights or obligations until the Act comes into force.

#### 80.3 Public Notification:

- (a) The Minister shall ensure wide public awareness of the Act's entry into force through:
  - (i) Public notices in national and regional newspapers;
  - (ii) Announcements on national television and radio;
  - (iii) A dedicated website providing information on the Act;
  - (iv) Direct communication to regulated entities and industry associations.
- (b) Such notifications shall include:
  - (i) The effective date(s) of various provisions;
  - (ii) Key obligations for different stakeholders; and
  - (iii) Contact information for queries and clarifications.

#### 80.4 Implementing Regulations:

- (a) The Minister shall ensure that all essential implementing regulations are:
  - (i) Drafted and published for public comment at least 60 days before the Act's effective date;and
  - (ii) Finalised and published at least 30 days before the effective date.
- (b) Where regulations are not ready by the effective date:
  - (i) The relevant provisions of the Act shall remain inoperative;
  - (ii) The Minister shall report to Parliament explaining the delay and providing a timeline for completion.

#### 80.5 Review of Entry into Force:

- (a) The Competent Authority shall:
  - (i) Monitor the implementation of the Act in its initial phase;

- (ii) Report to the Minister within 6 months on any issues or challenges encountered; and
  - (iii) Recommend any necessary adjustments to the implementation timeline or approach.
- (b) The Minister shall present this report to Parliament and publish it on the Ministry's website.

## **81. Transitional Provisions**

### **81.1 Continuation of Existing Institutions:**

- (a) The [existing regulatory body] shall continue to function until the Competent Authority established under this Act is fully operational.
- (b) All assets, liabilities, and staff of the existing body shall be transferred to the new Authority on a date specified by the Minister.
- (c) The transfer process shall be overseen by a Transition Committee appointed by the Minister, which shall:
- (i) Conduct an audit of assets and liabilities;
  - (ii) Develop a staff transfer and integration plan; and
  - (iii) Ensure continuity of ongoing regulatory functions during the transition.

### **81.2 Validity of Existing Regulations:**

- (a) All regulations, orders, and guidelines issued under previous legislation shall:
- (i) Remain in force to the extent they are consistent with this Act;
  - (ii) Be deemed to have been issued under this Act; and
  - (iii) Be reviewed and updated within 18 months to ensure full alignment with this Act.
- (b) Where inconsistencies exist, the provisions of this Act shall prevail.

### **81.3 Licensing and Authorisation:**

- (a) Existing licenses and authorisations shall:
- (i) Remain valid until their original expiry date;
  - (ii) Be subject to renewal under the provisions of this Act.
- (b) Holders of existing licenses shall:
- (i) Register with the Competent Authority within 90 days of the Act's effective date; and
  - (ii) Submit a compliance plan outlining how they will meet any new requirements within 180 days.
- (c) The Competent Authority may grant temporary waivers, not exceeding 12 months, for specific new requirements where immediate compliance would cause undue hardship.

### **81.4 Pending Applications and Proceedings:**

- (a) Applications for licenses or authorisations pending on the effective date shall:
- (i) Be transferred to the Competent Authority for processing;
  - (ii) Be evaluated under the criteria of this Act;
  - (iii) Require additional information from applicants if necessary to meet new criteria.
- (b) Ongoing investigations, enforcement actions, or legal proceedings shall:
- (i) Continue under the previous legislation until concluded;
  - (ii) Be conducted by the Competent Authority, which shall assume the role of the previous regulatory body.

### **81.5 Adaptation Period for New Requirements:**

- (a) For new obligations introduced by this Act, regulated entities shall have:
- (i) 6 months to comply with administrative and reporting requirements.
  - (ii) 12 months to comply with new operational or technical standards.
  - (iii) 24 months to comply with significant structural or systemic changes.
- (b) The Competent Authority may grant extensions on a case-by-case basis where justified by exceptional circumstances.



#### 81.6 Grandfathering Provisions:

- (a) Certain existing facilities or practices may be exempted from specific new requirements if:
  - (i) They were lawfully established under previous legislation;
  - (ii) Immediate compliance would require unreasonable or impractical modifications;
  - (iii) They do not pose an immediate risk to public safety or the environment.
- (b) Such exemptions shall:
  - (i) Be explicitly granted by the Competent Authority;
  - (ii) Be subject to periodic review, at least every 3 years; and
  - (iii) Include conditions for gradual adaptation to new standards where feasible.

#### 81.7 Transitional Funding:

- (a) The government shall provide additional funding to the Competent Authority for:
  - (i) Costs associated with the institutional transition;
  - (ii) Development of new systems and processes required by the Act; and
  - (iii) Training and capacity building for staff and regulated entities.
- (b) This transitional funding shall be:
  - (i) Allocated for a period of 3 years;
  - (ii) Subject to annual review and adjustment based on demonstrated needs;
  - (iii) Reported on separately in the Authority's annual financial statements.

#### 81.8 Review of Transitional Arrangements:

- (a) The Minister shall appoint an independent expert to:
  - (i) Review the implementation of transitional provisions after 18 months;
  - (ii) Assess any ongoing transitional challenges or unintended consequences; and
  - (iii) Recommend any necessary adjustments to transitional arrangements.
- (b) This review report shall be:
  - (i) Submitted to Parliament;
  - (ii) Published on the Ministry's website; and
  - (iii) Used to inform any necessary amendments to the Act or regulations.

#### 81.9 Transfer of Assets and Liabilities:

(a) All assets, rights, and liabilities of the [Previous Regulatory Body] shall be transferred to the Competent Authority established under this Act.

(b) A detailed inventory of transferred assets and liabilities shall be prepared within 90 days of this Act coming into force.

#### 81.10 Transfer of Personnel:

(a) Staff employed by the [Previous Regulatory Body] shall:

(i) Be transferred to the Competent Authority on terms not less favorable than those they previously enjoyed;

(ii) Have their previous service counted as service with the Competent Authority for purposes of pensions and other benefits.

(b) The Competent Authority may require transferred staff to undergo additional training or qualification processes to meet new regulatory standards.

#### 81.11 Transitional Governance:

(a) Until the Board of the Competent Authority is fully constituted under this Act:

(i) The existing board or governing body of the [Previous Regulatory Body] shall continue to function.

(ii) The Minister may appoint an interim Chief Executive to manage the transition.

(b) The transitional governance arrangements shall not exceed 6 months from the date this Act comes into force.

#### 81.12 Adaptation Period for New Requirements:

- (a) For new obligations introduced by this Act, regulated entities shall have:
  - (i) 6 months to comply with administrative and reporting requirements;
  - (ii) 12 months to comply with new operational or technical standards;
  - (iii) 24 months to comply with significant structural or systemic changes.
- (b) The Competent Authority may grant extensions on a case-by-case basis where justified by exceptional circumstances.

#### 81.13 Transitional Regulations:

- (a) The Minister may make transitional regulations to:
  - (i) Address any matters not sufficiently provided for in these transitional provisions;
  - (ii) Resolve any difficulties arising in the transition to the new regulatory regime;
  - (iii) Ensure the effective implementation of this Act during the transitional period.
- (b) Such transitional regulations shall:
  - (i) Be made within 12 months of this Act coming into force;
  - (ii) Be laid before Parliament within 14 days of being made;
  - (iii) Cease to have effect after 24 months unless confirmed by Parliament.

#### 81.14 Review of Transitional Arrangements:

- (a) The Minister shall appoint an independent expert to:
  - (i) Review the implementation of transitional provisions after 18 months;
  - (ii) Assess any ongoing transitional challenges or unintended consequences;
  - (iii) Recommend any necessary adjustments to transitional arrangements or to the Act itself.
- (b) This review report shall be:
  - (i) Submitted to Parliament;
  - (ii) Published on the Ministry's website;
  - (iii) Used to inform any necessary amendments to the Act or regulations.

#### 81.15 Savings Clause:

- (a) Nothing in this Act shall be taken to invalidate:
  - (i) Any action lawfully taken under the repealed [Previous Act];
  - (ii) Any rights or liabilities accrued under the repealed Act;
  - (iii) Any legal proceedings commenced before the repeal of the previous Act.
- (b) References in any other law or document to the repealed [Previous Act] or the [Previous Regulatory Body] shall be construed as references to this Act or the Competent Authority, respectively, unless the context requires otherwise.

## **82. Repeals and Consequential Amendments:**

### 82.1 Repeal of Previous Legislation:

- (a) The [Previous Act] is hereby repealed in its entirety.
- (b) Any subsidiary legislation made under the repealed Act is also repealed, except as provided for in the transitional provisions of this Act.

### 82.2 Consequential Amendments:

- (a) The [Related Act 1] is amended as follows:
  - (i) In Section X, replace "Previous Regulatory Body" with "Competent Authority";
  - (ii) Delete Section Y in its entirety;
  - (iii) In Section Z, insert the following new subsection: [text of new subsection].
- (b) The [Related Act 2] is amended as follows:
  - (i) In Section A, replace the definition of "regulated entity" with the following: [new definition];
  - (ii) Amend Section B by adding the following paragraph: [text of new paragraph].

### 82.3 References in Other Legislation:

(a) Any reference in any other Act or subsidiary legislation to the repealed [Previous Act] shall be construed as a reference to this Act.

(b) Any reference to the [Previous Regulatory Body] in any other Act or subsidiary legislation shall be construed as a reference to the Competent Authority established under this Act.

### 82.4 Preservation of Certain Regulations:

(a) Notwithstanding the repeal of the [Previous Act], the following regulations made under that Act shall continue in force as if made under this Act:

(i) [Title of Regulation 1];

(ii) [Title of Regulation 2];

(iii) [Title of Regulation 3].

(b) These preserved regulations shall be reviewed and, if necessary, amended within 12 months to ensure consistency with this Act.

### 82.5 Amendment of Schedules:

(a) The Minister may, by order published in the Gazette, amend any Schedule to this Act.

(b) An order made under this section shall:

(i) Be laid before Parliament within 14 days of publication;

(ii) Come into effect 30 days after being laid before Parliament, unless Parliament resolves otherwise.

### 82.6 Power to Make Consequential and Transitional Regulations:

(a) The Minister may make regulations:

(i) To amend any enactment consequential to the coming into force of this Act;

(ii) To provide for any transitional or saving provisions in addition to, or in substitution for, the provisions in this Part.

(b) The power to make regulations under this section expires two years after the commencement of this Act.

## **83. Short Title and Commencement**

### 83.1 Short Title:

This Act may be cited as the [Title of Act] Act, [Year].

### 83.2 Commencement:

(a) This Act shall come into force on such date as the Minister may, by notice in the Gazette, appoint.

(b) Different provisions of this Act may be brought into force on different dates.

### 83.3 Phased Implementation:

(a) The Minister may, by order, provide for the phased implementation of this Act, specifying:

(i) Which provisions come into force at which times;

(ii) To which categories of regulated entities different provisions apply and from when.

(b) Any order for phased implementation shall:

(i) Be laid before Parliament;

(ii) Be published on the Ministry's website;

(iii) Provide clear timelines for full implementation of all provisions.

### 83.4 Pre-commencement Actions:

(a) The Minister may, before the commencement of any provision of this Act:

(i) Appoint persons to positions created by this Act;

- (ii) Make regulations or issue guidelines necessary for the implementation of this Act;
- (iii) Take any other preparatory actions necessary for the smooth commencement of this Act.
- (b) Any action taken under this subsection shall not take effect until the relevant provision of the Act comes into force.

## **MODULE 1 (CIVIL / ADMINISTRATIVE) PENALTIES**

The provisions of this module may be used to supplement the provisions of section 65 for both civil and administrative sanctions. The entire module may also be inserted as a separate chapter after Chapter K / Section 66. In some jurisdictions, the term “administrative penalties” or “administrative sanctions” is more appropriate than “civil penalties”. As always, adaptation to local traditions is required.

See also the extensive List of Sanctions and Accompanying Measures which is soon to be published here.

### **1. Generalities**

#### **1.1 Purpose of Civil Penalties:**

- (a) Civil penalties serve to:
  - (i) Deter non-compliance with regulatory requirements;
  - (ii) Provide a proportionate response to violations that do not warrant criminal prosecution;
  - (iii) Promote swift resolution of regulatory breaches;
  - (iv) Recover economic benefits gained from non-compliance;
  - (v) Compensate for harm caused to public interests.

#### **1.2 Principles Guiding Civil Penalties:**

- (a) Proportionality: Penalties should be commensurate with the nature and severity of the violation;
- (b) Consistency: Similar violations should attract similar penalties, subject to relevant circumstances;
- (c) Transparency: The basis for calculating penalties should be clear and publicly available;
- (d) Fairness: Regulated entities should have the opportunity to present their case before penalties are imposed;
- (e) Effectiveness: Penalties should be set at levels that ensure deterrence and promote compliance;
- (f) Responsiveness: The penalty regime should be adaptable to changing market conditions and emerging risks.

### **2. Types of Civil Penalties**

#### **2.1 Monetary Penalties:**

- (a) Fixed penalties for specific violations;
- (b) Variable penalties based on:
  - (i) A percentage of the violator’s annual turnover;
  - (ii) The economic benefit derived from the violation;
  - (iii) The duration of the violation;
- (c) Per-day penalties for continuing violations;
- (d) Multipliers for repeat offenders.

#### **2.2 Non-Monetary Penalties:**

- (a) Mandatory corrective action orders;
- (b) Public naming and shaming;

- (c) Suspension or restriction of licenses or authorisations;
- (d) Mandatory participation in compliance training programs;
- (e) Implementation of enhanced compliance monitoring systems;
- (f) Disgorgement of profits derived from violations;
- (g) Exclusion from public procurement processes for a specified period.

### **3. Calculation of Monetary Penalties**

#### **3.1 Base Amount:**

(a) The Competent Authority shall establish a schedule of base amounts for different types of violations, considering:

- (i) The nature of the violation;
- (ii) The potential harm to public interests;
- (iii) The regulated sector and typical entity size.

#### **3.2 Adjustments:**

(a) The base amount may be adjusted based on:

- (i) The violator's culpability (negligence, recklessness, or intentional action);
- (ii) History of previous violations;
- (iii) Financial capacity of the violator;
- (iv) The annual turn-over of the responsible legal entity or of the group of legal entities to which the responsible legal entity belongs].
- (v) Cooperation with authorities during investigation;
- (vi) Self-reporting of violations;
- (vii) Remedial actions taken.

#### **3.3 Economic Benefit:**

(a) The penalty shall include an amount equivalent to any economic benefit derived from the violation, including:

- (i) Costs avoided by non-compliance;
- (ii) Profits gained through illegal activities; and
- (iii) Competitive advantage obtained over compliant entities.

#### **3.4 Maximum Penalties:**

(a) For individuals: Up to [X] amount or [Y]% of annual income, whichever is higher.

(b) For legal entities: Up to [Z]% of annual global turnover of the responsible legal entity or of the group of legal entities to which the responsible legal entity belongs or [W] times the benefit derived from the violation, whichever is higher.

### **4. Procedures for Imposing Civil Penalties**

#### **4.1 Notice of Violation:**

(a) The Competent Authority shall issue a notice of violation specifying:

- (i) The nature of the violation;
- (ii) The evidence supporting the allegation;
- (iii) The proposed penalty amount and calculation method; and
- (iv) The right to make representations.

#### **4.2 Representations:**

(a) The alleged violator shall have [X] days to submit written representations;

(b) Representations may include:

- (i) Challenges to the factual basis of the allegation;
- (ii) Mitigating circumstances;
- (iii) Evidence of compliance efforts;

(iv) Financial information relevant to penalty calculation.

#### 4.3 Determination:

(a) The Competent Authority shall consider all representations before making a final determination.

(b) The final determination shall be communicated in writing, including:

- (i) The facts found;
- (ii) The legal basis for the penalty;
- (iii) The final penalty amount and calculation; and
- (iv) Payment terms and appeal rights.

#### 4.4 Settlement Procedures:

(a) The Competent Authority may establish procedures for the settlement of cases, allowing entities to:

- (i) Admit to violations and accept a reduced penalty;
- (ii) Agree to specific compliance measures;
- (iii) Avoid formal enforcement proceedings.

(b) Settlement agreements shall:

- (i) Be in writing and signed by both parties;
- (ii) Specify the violations admitted and penalties accepted;
- (iii) Include a compliance plan with clear deadlines;
- (iv) Be made public, subject to redaction of confidential information.

### **5. Enforcement and Collection**

#### 5.1 Payment Terms:

(a) Penalties shall be payable within [X] days of the final determination;

(b) The Competent Authority may allow payment in installments for penalties exceeding [Y] amount.

#### 5.2 Late Payment:

(a) Interest shall accrue on unpaid penalties at [Z]% per annum;

(b) Additional administrative charges may be imposed for late payment.

#### 5.3 Enforcement Measures:

(a) The Competent Authority may:

- (i) Register the penalty as a judgment debt;
- (ii) Seize assets to satisfy the penalty;
- (iii) Suspend or revoke licenses until payment is made;
- (iv) Publish the names of entities with unpaid penalties.

### **6. Appeals**

#### 6.1 Right of Appeal:

(a) Any person aggrieved by a civil penalty may appeal to the [Regulatory Appeals Tribunal] within [X] days of the final determination.

#### 6.2 Grounds for Appeal:

(a) Appeals may be made on grounds of:

- (i) Error of law;
- (ii) Error of fact;
- (iii) Procedural impropriety;
- (iv) Unreasonableness of the penalty amount.

### 6.3 Effect of Appeal:

- (a) The filing of an appeal shall not automatically stay the obligation to pay the penalty;
- (b) The appellant may apply to the Tribunal for a stay of payment pending the appeal outcome.

### 6.4 Powers of the Tribunal:

- (a) The Tribunal may:
  - (i) Affirm, vary, or set aside the penalty;
  - (ii) Remit the matter to the Competent Authority for reconsideration;
  - (iii) Substitute its own decision for that of the Authority.

## **7. Transparency and Reporting**

### 7.1 Public Register:

- (a) The Competent Authority shall maintain a public register of civil penalties imposed, including:
  - (i) The name of the violator;
  - (ii) The nature of the violation;
  - (iii) The penalty amount;
  - (iv) The date of imposition; and
  - (v) The status of payment or appeal.

### 7.2 Annual Report:

- (a) The Competent Authority shall publish an annual report on civil penalties, including:
  - (i) Statistics on penalties imposed and collected;
  - (ii) Analysis of trends in compliance and enforcement;
  - (iii) Information on the use of settlement procedures; and
  - (iv) Recommendations for improving the civil penalty regime.