

COMPLIANCE REVIEW MECHANISM

VERSION CONTROL		
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A. INTRODUCTION

1. Recognizing the importance of establishing a compliance review mechanism (“CRM”) through which persons can bring to the attention of GGGI instances of alleged failure by GGGI to comply with its own regulations, rules, policies and procedures, and noting the existing mechanisms that address reporting of suspected integrity violations and misconduct and reporting of incidents of fraud, corruption, coercion and collusion¹, GGGI is establishing a compliance review mechanism which shall have the powers and functions stated below.
2. This document sets forth the rules governing the establishment, procedures and administration of the compliance review mechanism.

B. FUNCTIONS

3. The role of the CRM is to focus on issues of non-compliance by GGGI with any of its own regulations, rules, policies and procedures. The CRM is available when a person or group of persons believes that GGGI has failed to comply with any of its regulations, rules, policies and procedures and that this failure has or threatens to adversely affect such person(s).
4. The Deputy Director-General of GGGI (the “DDG”) is tasked with receiving requests from persons alleging non-compliance by GGGI with its regulations, rules, policies and procedures and referring eligible requests for treatment.
5. The compliance review function will be triggered when the DDG receives a request for review based on an eligible complaint. The DDG will make a preliminary review of the complaint and determine whether the complaint is eligible for treatment.
6. Before a request for compliance review is treated, the DDG shall satisfy him/herself that the alleged violation of the relevant regulations, rules, policies meets the criteria set out in paragraph 8 and does not fall within any of the impermissible matters for compliance review set forth in paragraph 9 below.
7. The DDG shall seek the advice of GGGI’s General Counsel and Legal Services Unit on matters related to GGGI’s rights and obligations with respect to a request under consideration.

C. SUBJECT MATTER OF REQUESTS

8. The DDG is authorized to accept requests for review that allege an actual or threatened material adverse effect on the requestor’s (or the person(s) on whose behalf the requestor is authorized to act) rights or interests that arises directly from an act or omission of GGGI as a result of the failure by GGGI to follow any of its own regulations, rules, policies and procedures.

¹ See *Anti-Corruption Policy*, approved 7 November 2013, *Whistleblower Policy*, version 2 approved 2 July 2015 and *Guidelines for GGGI Anti-Corruption Policy and Whistleblower Policy*, version 2 approved 2 July 2015.

9. Requests relating to the following are not eligible for treatment under the CRM:
- a. complaints against procurement decisions or from losing tenders, which shall continue to be addressed under other existing procedures;
 - b. integrity violations, misconduct, instances of fraud, corruption, coercion and collusion, which shall continue to be addressed under other existing procedures;
 - c. matters before GGGI's independent arbitral mechanism;
 - d. matters under judicial review or review by similar bodies;
 - e. frivolous or malicious or immaterial complaints;
 - f. complaints motivated by an intention to gain competitive advantage;
 - g. matters over which the CRM, the Director-General or Council have already made a recommendation or reached a decision after having received and reviewed a request, unless justified by clear and compelling new evidence or circumstances not known at the time of the prior request;
 - h. actions that are the responsibility of other parties and which do not involve any action or omission on the part of GGGI; and
 - i. the adequacy or unsuitability of GGGI regulations, rules, policies and procedures.

D. PREPARATION OF REQUESTS

10. The CRM's operational proceedings begin when a request is received in accordance with paragraphs 11 – 14 below.
11. The DDG has authority to accept for treatment under the CRM requests from the following:
- (a) a person or group of persons who believe that, as a result of GGGI's failure to comply with any of its regulations, rules, policies and procedures, their rights or interests have been, or are likely to be, adversely affected in a direct and material way; and
 - (b) a duly appointed representative acting on explicit instructions as the agent of persons adversely affected as described in 11(a) above.
12. All requests must be in writing and submitted to GGGI through the online reporting form, in substantially the form of Annex 1 hereto, which can be accessed through GGGI's external website at www.gggi.org.
13. All requests should contain the name of the requestor and contact details to which correspondence can be sent. The requestor may request that his/her identity be kept

confidential. If, in the reasonable opinion of the DDG, the review process cannot proceed with the requested confidentiality being maintained, the requestor shall be notified accordingly. The DDG shall then agree to the terms of the proceeding with the requestor or terminate the process if it is not possible to agree upon terms.

14. All requests should contain the following information:

- a. a description of the act or omission on the part of GGGI, stating all the relevant facts;
- b. a description of how GGGI's regulations, rules, policies or procedures were materially violated;
- c. a description of how the requestor (or the person(s) on whose behalf the requestor is authorized to act) is or is likely to be materially and adversely affected by GGGI's act or omission and what rights of the party(ies) were directly affected;
- d. if a non-affected representative submits the request, the representative must provide evidence of representational authority and the names and contact details of the affected parties must also be provided; and
- e. if the request relates to a matter previously submitted to CRM, a statement specifying what new evidence or changed circumstances justify revisiting the issue.

15. The working language of GGGI is English. Requests may be submitted in a language other than English; however, where requests are not submitted in English, the time needed to translate may delay acceptance and consideration of the request. The DDG will try and respond to a request in the language of submission, where practicable, otherwise the DDG's response will be in English.

16. The filing, registration, assessment and processing of a request or the carrying out of a compliance review, shall not have the effect of suspending processing or implementation of any GGGI activities or operations.

E. PROCEDURES ON RECEIPT OF A REQUEST

17. When a request is received by GGGI through the mechanisms referenced in paragraph 12 above, the request shall be automatically registered in the register of requests (the "Register") with a notice of the registration promptly provided to a designated external party (the "Designated External Party"). The notice of registration shall indicate the date the request was received and the reference number of the request.

18. The requestor shall be promptly notified that the request has been received, if contact information is included in the request.

19. The full request shall be promptly provided to the DDG.

20. On the basis of the information contained in the request, the DDG shall, within fourteen (14) calendar days of receipt of the request, conduct a preliminary review to determine if the request contains a bona fide allegation of harm to the requestor arising from an act or omission of GGGI resulting from the failure by GGGI to follow any of its own regulations, rules, policies and procedures. If the DDG finds the contents of the request or documentation insufficient, he/she may ask the requestor to supply further information. The DDG may decline to act further on a request until all necessary information and documentation is submitted.
21. The DDG may undertake the review personally or designate an expert to review the request and advise the DDG on whether it is eligible for treatment under the CRM.
22. If, following the preliminary review, the DDG finds that the matter is without doubt manifestly outside of the CRM's mandate pursuant to paragraphs 8 or 9 above, he/she shall notify the requestor of the ineligibility of the request for treatment and the reasons therefore.
23. If, following the preliminary review, the DDG determines that there is prima facie evidence the requestor has been harmed by GGGI failure to comply with any of its own regulations, rules, policies and procedures, he/she shall, within thirty (30) calendar days of such determination, submit a report recommending a compliance review to the Director-General. The compliance review recommendation shall (i) include draft terms of reference which shall set out the scope and time frame for the compliance review, (ii) provide an estimate of the budget and a description of the additional resources required to complete the review and (iii) identify the person(s) to conduct the compliance review (the "Panel"), which may consist of members of OIAI, internal subject matter experts, external consultants or any other party(ies) determined best suited to conduct a particular review.
24. The number of requests and communications received in relation thereto, shall be noted in the Register and reported to the Director-General on a quarterly basis and the yearly total included in an annual report prepared by the DDG.
25. In the DDG's absence, the DDG may delegate his or her authority hereunder to other members of GGGI personnel.
26. In executing his duties hereunder, the DDG shall act with utmost impartiality and integrity.

F. COMPLIANCE REVIEW

27. The Panel will conduct the compliance review in accordance with the relevant terms of reference. The Panel shall take any appropriate steps required to conduct the compliance review taking into account the budget implications and administrative requirements of such steps. When conducting a review, the Panel shall have full access to relevant GGGI personnel and files, and GGGI personnel and management shall be required to cooperate fully with the Panel.
28. Within thirty (30) days of completion of its investigations, the Panel shall report its findings

and recommendations in a report (“Compliance Review Report”), which shall include:

- a. a summary discussion of the relevant facts;
 - b. the steps taken to conduct the compliance review;
 - c. the findings of the Panel, which shall be limited to determining whether any act or omission of GGGI has involved any material violations of GGGI regulations, rules, policies and procedures; and
 - d. recommendations of any remedial changes to systems or procedures within GGGI to avoid a recurrence of any similar violation(s).
29. The Compliance Review Report may not recommend the award of compensation or any other benefits to the requestor or any other person, entity or government.
30. Recommendations and findings of a Compliance Review Report shall be based only on the facts relevant to the request under consideration and shall be strictly impartial.
31. The Panel shall submit the Compliance Review Report for consideration and decision to the Director-General with a copy to the DDG.
32. The Director-General shall decide whether or not to accept the findings and recommendations of the Compliance Review Report within thirty (30) days of receipt from the Panel. Any decision made by the Director-General shall be promptly transmitted to the Management and Program Sub-Committee of the Council. Subject to the provisions of GGGI’s Disclosure Policy, the decision shall be made available to the requestor and may be published on GGGI’s external website.

G. GENERAL PROVISIONS

33. Nothing in the Compliance Review Mechanism shall be deemed to be a waiver by GGGI of any exemptions, immunities or privileges conferred on GGGI by the Agreement on the Establishment of GGGI, the Headquarters Agreement between GGGI and the Government of the Republic of Korea or any other agreement between GGGI and a sovereign state, or granted by any applicable convention or under international law or any applicable law.
34. GGGI shall provide such budgetary resources as shall be sufficient to allow all of the activities permitted under the Compliance Review Mechanism procedures to be carried out. The DDG shall prepare an annual budget indicating the level of resources required to implement the Compliance Review Mechanism.



Annex 1 – CRM Online Reporting Form

Contact Information

(GGGI will still review your request even if you wish to remain anonymous; however we strongly encourage you to at least provide an email address because we may not be able to investigate without being able to contact you for further information or clarification.)

First Name:

Last Name:

Phone Number:

Email Address:
(Preferred Method of Contact)

Mailing Address:

Incident Information

Description of the act or omission on the part of GGGI, stating all the relevant facts:

Description of how GGGI's regulations, rules, policies or procedures were materially violated:

Description of how the requestor is or is likely to be materially and adversely affected by GGGI's act or omission:

If a non-affected representative is submitting the request, attach evidence of representational authority and provide the names and contact details of the affected parties:

If the request relates to a matter previously submitted to CRM, specify what new evidence or changed circumstances justify revisiting the issue:

Relevant Supporting Documents (if any)

[File Upload]