

Inspection, Compliance and Enforcement Working Group

Non-Paper presented by Spain.

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1. The ICE Mechanism should ensure transparency, independence, and effectiveness and follow a **functional approach**. It should also take into consideration and respect the institutional balance of the Convention and the distribution of functions and powers. We suggest distinguishing between inspection, compliance, and enforcement functions (Fig. 1)
2. This non-paper proposes the establishment of a Compliance Committee (**LTCCC**) within the Legal and Technical Commission (LTC) as it was proposed by Norway (Second proposal - May 2023). The establishment of a Legal and Technical Commission Compliance Committee (LTCCC) is not only legally justified but also aligns with the principles of cost-effectiveness and institutional efficiency (Section 1, Annex, 1994 Agreement).
3. The **LTCCC** will be composed by experts from the LTC, named by the Council, with the appropriate qualifications.
4. The **LTCCC** shall perform all the **functions of supervision and inspection** provided for in the Convention, particularly the supervision of activities in the Area, the protection of the marine environment and the supervision of the work of inspectors [Article 165 (2) (c) (d) (e) (h) (m)].
5. The **LTCCC** shall also review reports of contractors and identify cases of non-compliance according to the Exploitation Regulations. [DR 6 (6), DR 13 (5) (k), DR 9 (a) (vi), DR 36 (3), DR 38 (2) (bis. Alt.) DR 51 (b), DR 52 (2 bis), DR 52 (8), DR 61 (3) (bis), DR 96 (2), **DR 96 Ter (2), DR 97 (2), DR 97 (6), DR 99 (2) (bis), DR 99 (3) ter, DR 102, DR 103**].
6. This non-paper also proposes the establishment of an **Enforcement Board within the Council (EBC)** to exercise a **stricter control** over the LTCCC and Inspectorate. The **EBC** will comprise of one member of each regional group and one member of Chambers A, B, C of the Council. The EBC will inform all members of the Council during its regular sessions and could meet as a matter of urgency upon request. [DR 29 bis (8), DR 53, **DR 103 (5)**].
7. The proposal to create a Compliance Committee within the LTC (LTCCC), as well as an Enforcement Board within the Council (EBC) aligns with the cost-effective principle by avoiding the creation of entirely new subsidiary organs, which we believe would increase costs and administrative burdens.

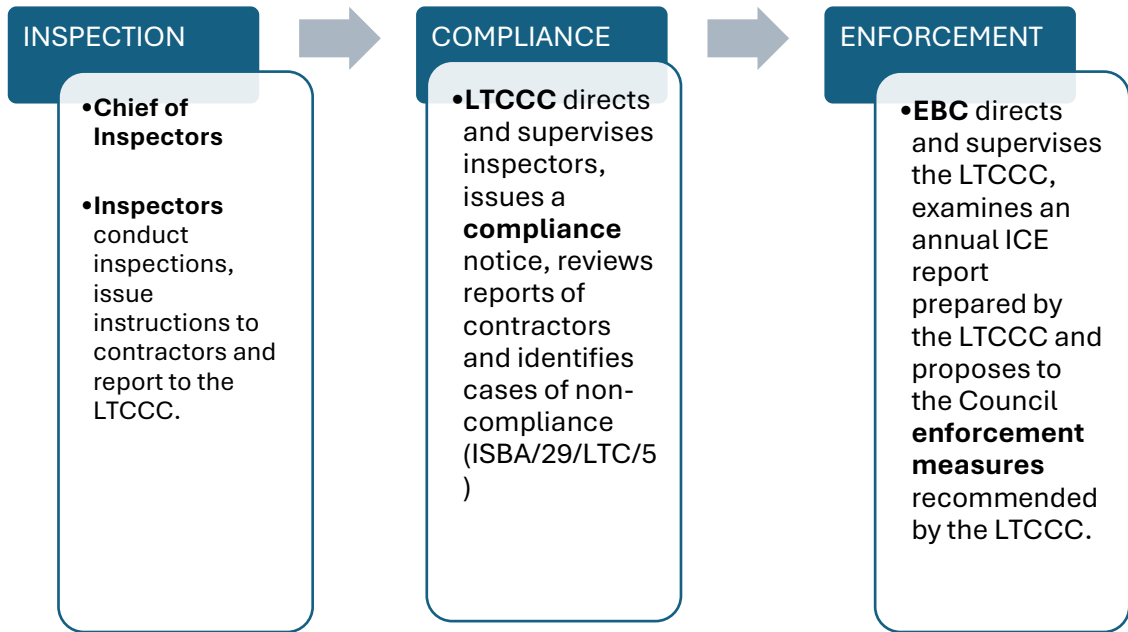


Fig. 1