

ICE Mechanism and Establishment of the Compliance Committee

Friday, 13 March 2026, 10 am to 1 pm, Conference room no. 1, Kingston

Briefing note

Prepared by the rapporteur of the Informal Working Group on ICE, Norway

I. Introduction

This note is circulated by Norway in its capacity as rapporteur of the Informal Working Group on Inspection, Compliance and Enforcement (ICE) to assist delegations in preparing for the discussions under Agenda Item 11 at the upcoming Council session on 13 March 2026.

The agenda item covers three inter-related components:

1. Part XI of the Exploitation Regulations and, in particular, [draft regulation 95 bis](#) (previously draft regulation 102);
2. The draft Council Decision on the establishment of the Compliance Committee ([ISBA/31/C/CRP.5](#)); and
3. The [draft Rules of Procedure](#) and draft Compliance Strategy for the Compliance Committee.

All three documents were uploaded on the ISA website on 1 December 2025 (Under “Sessions”, “30th Session 2025” and “Part II – Working Documents and Other Information”).

The documents reflect input from the Group's meeting of 10 July 2025 in Kingston, written input received during intersessional work in November 2025, and input received during an intersessional meeting of the Group on 25 November 2025.

This note sets out the background, a summary of each component, the key outstanding issues requiring resolution, and suggested questions to guide the Council's discussions.

II. Background and progress

Below is a presentation of the documents provided by the group.

A. Draft Regulation 95 bis (previously draft regulation 102)

There was substantial support during the July 2025 Council meeting for establishing an independent Compliance Committee, and many Group participants suggested at the intersessional meeting on 10 July 2025 that the Compliance Committee should be established by a decision of the Council¹.

Therefore, substantial changes have been made to the draft regulation on the establishment of the Compliance Committee².

Elements concerning the establishment of the Compliance Committee have been transferred to a draft Council decision, and procedural elements have been moved to an in-progress draft Rules of Procedure, recalling that the Secretariat will prepare a comprehensive draft of Rules of Procedure for consideration by the Compliance Committee following its establishment, as it did for the Rules of Procedure of the Legal and Technical Commission and for the Rules of Procedure of the Finance Committee.

Consequently, the current suggested wording of the draft regulation represents the framework for the Compliance Committee and the ground elements, with all details and procedures deferred to the draft decision, draft rules of procedure and other relevant documents.

In light of the revisions and the current content of this draft regulation, and given that the Compliance Committee will have functions with respect to inspection, compliance and enforcement, it is recommended that draft regulation 102 be placed as the first draft regulation under Part XI of the Regulations by introducing a new Section 1 - General - and renumbering it as draft regulation 96.

B. Draft Council Decision on the Establishment of the Compliance Committee

This is a working document which has been prepared by the group for purposes of assisting and providing input to an actual decision of the Council in relation to the establishment of the Compliance Committee.

¹ [Note-and-Draft-Council-Decision-011225.docx](#) (the Annex)

² Please see draft regulation 95 bis in the Further Revised Text ([ISBA/30/C/CRP.1](#)) and the working draft: [Revised-Draft-Regulation-011225-.docx](#)

On that basis, it is suggested to consider whether it would be more appropriate for a Council decision to establish the Compliance Committee, also considering the importance of ensuring that the Committee is set up to begin carrying out its functions.

During the intersessional meeting on 25 November 2025, participants supported the inclusion of the powers and functions in the draft decision and stressed the importance of the timing of the adoption of the decision, and that it should take place prior to, or at least at the same time as, the adoption of the Regulations.

The powers and functions of the Compliance Committee should be apparent at the point of adoption of the decision, and therefore many participants supported including relevant content within the decision itself, highlighting that this does not preclude the possibility of including more details in the regulations or compliance strategy.

The draft decision stresses that the functioning of the Compliance Committee shall not prejudice the competence of the Legal and Technical Commission under the Convention, and that the Compliance Committee and the Commission shall consult and cooperate, without any delay, with each other to avoid potentially overlapping competences

C. Draft Rules of Procedure and Draft Compliance Strategy

This document contains preliminary content for the draft Rules of Procedure of the Compliance Committee. It is a work in progress and should not be considered final.

The content primarily comprises elements transferred from the draft Regulations - particularly draft regulation 102 - as these regulations are considered more appropriately situated in the future Rules of Procedure of the Compliance Committee.

III. Outstanding Issues and Structure of the Meeting

Norway suggest that the meeting on 13 March 2026 focuses on advancing the following outstanding issues, which we invite delegations to reflect on in advance:

1. **Reorganization and the draft decision:** General comments in respect of the reorganization and the draft decision on the establishment of a Compliance Committee, including considerations of whether the decision should be adopted prior to, or simultaneously with, the adoption of the Exploitation Regulations? The participants at the intersessional meeting on 25 November 2025 seemed to agree that the decision must be adopted before or at least in parallel with the adoption of the Regulations.

2. **Reading of draft regulation 95 bis:** General comments in respect of the updated version of this draft regulation with particular focus on the following identified outstanding issues:

- a) **Scope of the mandate:** It has been suggested that the Compliance Committee's mandate should not be limited to exploitation if established by a Council Decision; therefore, the reference to "Exploitation" in paragraph 1 of the draft regulation has been omitted. On the other hand, it has also been suggested to limit the scope to exploitation in the regulation, while the Compliance Committee's functions can be wider in the Decision.
- b) **Placement of powers and functions:** Should the powers and functions of the Compliance Committee be placed in the draft Regulations, in the Council Decision, or in both? Discussion is needed in respect of whether the powers and functions of the Compliance Committee are better placed in the draft Regulations, or whether participants prefer to handle them in the draft Decision.
- c) **Inspection competence and the LTC–CC interface:** References to inspection remain in brackets, as it has been pointed out that under Articles 165(2)(c) and 165(3), supervision and inspection, at the request of the Council, fall within the competence of the Commission. Some participants stress that inspection falls within the competence of the staff of inspectors pursuant to Article 162(2)(z) of the Convention. This requires resolution.
- d) **Emergency orders:** Participants emphasised the need for the Compliance Committee to be able to act in emergencies requiring an immediate response, when it would be inappropriate to await a meeting of the Commission, and the need for the Committee to be able to provisionally handle such situations. To safeguard the mandate conferred on the Commission under the Convention, a reference to Article 165(2)(k) has been included in the relevant subparagraph.
- e) **Chief Inspector accountability:** It should be considered whether the Chief Inspector should report to the Compliance Committee or to the Legal and Technical Commission. There seems to be most support in the group for the Chief Inspector reporting to the Compliance Committee.

We look forward to a productive discussion and encourage delegations to engage informally ahead of the meeting. We hope that together we can continue to make progress towards a robust, independent and transparent ICE framework for the Authority.

Oslo, March 2026