

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

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. **Name of Working Group:** President's Text

2. **Name(s) of Delegation(s) making the proposal:** Australia

3. **Please indicate the relevant provision to which the textual proposal refers.**

Annex V – Emergency Response and Contingency Plan. *Due to the large amount of struck through text in red in the version of the President's Text circulated ahead of the July Council meeting, proposed reinsertions and additional textual proposals are in green, and sub-paragraphs have been re-numbered.*

4. **Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

5.

An Emergency Response and Contingency Plan must:

(a) Be prepared in accordance with Good Industry Practice and the relevant regulations, Standards and Guidelines;

(b) Provide an effective plan of action for the applicant's efficient response to Incidents and events, including processes by which the applicant will work in close cooperation with the Authority, ~~coastal States,~~ other competent international organizations ~~[as well as other persons with the relevant expertise or knowhow]~~ and, where applicable, emergency response organizations; and

(c) Include:

(i) *The overall aims and objectives and arrangements for controlling the risk of Incidents;*

~~(ii) Relevant codes, standards and protocols;~~

(ii) *Organizational structure and personnel roles and responsibilities;*

(iii) *Details of individuals authorized to initiate response mechanism(s);*

~~(v) Details of control mechanisms in place during the course of normal operations;~~

(iv) *Details of the emergency response equipment;*

(v) *Details of the safety management system relevant to emergency response;*

(vi) *Details of the environmental management system relevant to emergency response;*

~~(vii) A description of the mining operations and equipment, including emergency response equipment;~~

(vii) *A description of all foreseeable Incidents, an assessment of their likelihood and consequences and associated control measures;*

~~(viii) The number of persons that can be present on the mining vessel(s) at any time;~~

(viii) *A description of the arrangements to protect persons on the mining vessel(s), and to ensure their safe escape, evacuation and rescue in the event of an Incident*

that presents risks to their safety;

(ix) Details of arrangements for the maintenance of control systems to monitor the Marine Environment in the event of an Incident;

~~(x) Details of the emergency response plan;~~

~~(xi) Details of the known natural Marine Environmental conditions that may influence the efficiency of response equipment or the effectiveness of a response effort;~~

(x) Information and measures relating to the prevention of Incidents which could result in Serious Harm to the Marine Environment;

(xi) An assessment of [potential] pollution hazards and the measures to prevent or reduce such hazards, including an assessment of unintentional and unauthorised Mining Discharges and measures to control such discharges;

~~(xii) An assessment of Mining Discharges and measures to control such discharges;~~

~~{(xviii 1) An assessment of environmental impacts (surface, midwater, benthic) created by the emergency};~~

(xii) Details of the warning mechanisms intended to alert the Authority, together with the type of information to be contained in such warning;

(xiii) Details of arrangements for coordinating any emergency response, including coordination with the Authority, other service providers, maritime search and rescue authorities, and nearby vessels, citing the source for such arrangements, where relevant;

(xiv) Details of training programmes for personnel relating to emergency prevention or response;

~~A description of the monitoring of performance under the plan;~~

(xv) Details of audit and review processes relating to matters covered by this Plan, including regular testing of the Plan, significant changes to the Plan or the nature of operational activities, and the process of Incident investigation, recording and communication to the Authority and the Sponsoring State;

~~(xvi) Details of the presence of other hazards/harmful substances; and~~

~~(xxv) An assessment of the likelihood of oil spills, leaks, etc., due to the normal operation of the mining vessel.~~

~~{(xxv 01) (xvi) Details of the presence of other hazards/harmful substances;~~

~~{(xxv 1) (xvii) A description of accountability and liability for environmental damage resulting from an [Emergency] [Incident].};~~ and

(xix) Details of how the Plan is gender-responsive and responsive to persons from vulnerable groups.

Note: This plan is to be developed further under these regulations and in conjunction with other international organizations, flag States, coastal States and Sponsoring States and other entities that have relevant jurisdictional competence with regard to specific components of the plan.

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

Australia understands that there has been a simplification of Annex V in the spirit of ensuring it addresses emergency responses, and we support this approach in-principle. However, as the Emergency Response and Contingency Plan is to be implemented in times of emergency and is a condition of the Regulations and the contract, it should contain the requisite level of detail.

In addition, there should be a requirement for regular testing of the arrangements in the Plan, to ensure their effectiveness in the event of an emergency and to be able to make refinements as required. Further testing of the Plan should be undertaken following any significant changes to the Plan or the nature of operational activities.

As women and girls and people from vulnerable groups can be disproportionately affected in the event of an emergency, or may require special measures to be taken in the event of an emergency, these issues should be considered in the Emergency Response and Contingency Plan.