

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART II**

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](mailto:council@isa.org.jm).

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

The Pew Charitable Trusts

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

Draft regulation 30

**3. 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.**

1. The Contractor shall ensure at all times that:

(a) All vessels, crewed submersibles, and Installations ~~[operating and]~~ engaged in Exploitation activities are in good repair, in a safe and sound condition in accordance with the requirements, specifications and preventive or corrective maintenance plans of the respective manufacturers, and adequately ~~[crewed]~~ ~~[manned]~~, and comply with paragraphs 2 and 3 below; and

(b) All vessels, crewed submersibles, and Installations ~~[engaged]~~ ~~[employed]~~ in Exploitation activities have an appropriate class designation and shall remain in class for the duration of the Exploitation Contract.

~~(c) [The Health and Safety Plan and Maritime Security Plan annexed to the Plan of Work are kept up-to-date and effectively implemented.]~~

2. The Contractor shall ensure compliance with the ~~[applicable]~~ relevant international rules and standards established by competent international organizations or general diplomatic conferences concerning the safety of life at sea, the pollution of the Marine Environment by vessels, the prevention of collisions at sea, the training of seafarers, maritime labour conditions, ~~[as adopted by the Maritime Labour Convention]~~ and the treatment of crew members, as well as ~~[the rules, regulations and procedures of the Authority.]~~ ~~[any rules, regulations and procedures of the Authority on these matters.]~~ 2 bis. For the purposes of paragraph 2, international maritime safety and navigational rules shall apply to all ships on all voyages engaged in activities in the Area.

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

As mentioned by Italy, in paragraph (1), we suggest that ‘crewed submersibles’ should be expressly referenced in sub-paragraphs (a) and (b) (alongside ‘vessels and Installations’), as it may otherwise be unclear whether they would fall within the scope of DR30.

We support the retention of paragraph (1)(c). The Contractor’s Health and Safety Plan and Maritime Security Plan are not to our knowledge substantively referenced elsewhere in the Regulations, and as such we believe that the reference to these plans and specific obligation to maintain and implement the Plans is warranted here.

Regarding paragraph (2), we agree with Australia, and suggest replacing ‘applicable with ‘relevant’, as international rules may be ‘applicable’ to State parties, but not other Contractor entities. We also would welcome development of Standards and Guidelines by the ISA (perhaps in partnership with other competent agencies) to

provide guidance on what maritime rules are relevant, for the avoidance of doubt and to make this regulation appropriately enforceable.

We note that paragraph (2) does not cross-reference DR30(3), which recognises that such international rules are usually applied to individual ships and installations via national laws of the flag State. We wonder how this will operate in practice; would certification from a flag State who has ratified relevant conventions be sufficient to evidence compliance under this DR30(2), or would additional independent assessment still be required (as e.g. paragraph (4) suggests)? Generally, we recommend further work by the Council to explore the inter-relationships between shipping law and the ISA's regime for the Area, and the implications in law and in practice, to legislate to close gaps and avoid overlaps in the Regulations.

To give one example, the ISA's Technical Study 25 noted that there may be a loophole whereby ships that depart and return to the same port are classed as conducting domestic voyages, and thus evade coverage by international convention rules. We propose a new DR30(2 bis) to cover this point.

We support the proposed amendments to DR30(5)(b). As previously-drafted this sub-paragraph appeared to introduce a new plan ('occupational health, safety and environmental awareness plan') without specifying any more details, and which seemed to us duplicative of the plans that are already required by these Regulations.

Lastly, in sub-paragraph 5(c), we suggest that the data should be disaggregated by gender. Mining is renowned as one of the worst sectors globally for gender diversity, as a result of deep structural inequalities. In adopting SDG 5, States agreed to work to 'achieve gender equality and empower all women and girls' in all sectors. The SDGs also aim to address current 'gaping inequalities' evident in science, technology, engineering, and mathematics (STEM) employment. Taking informed decisions and tracking success towards that goal is difficult if gender-disaggregated data are not available.