

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH 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.im.

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.

53

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. A Contractor shall ~~[prepare]~~ ~~[develop]~~ maintain an Emergency Response and Contingency Plan ~~[as part of its work]~~ ~~[together with prior to]~~ the development and application of ~~[its]~~ Plan of Work, ~~[taking into account the result of the Environmental Impact Assessment]~~ ~~[(EIA)]~~ ~~[and]~~ ~~[in accordance with the applicable Standard and taking into account the applicable Guideline.]~~ Furthermore, a Contractor shall maintain:

(a) The currency and adequacy of its Emergency Response and Contingency Plans [in accordance with Good Industry Practice, Best Available Techniques, Best Environmental Practices and the applicable Standards and taking into account relevant Guidelines and] -based on the identification of potential Incidents and ~~in accordance with Good Industry Practice, Best Available Techniques, Best Environmental Practices and the applicable Standards and Guidelines, as well as~~ the implementation and monitoring results of the Environmental Management and Monitoring Plan, ~~[which]~~ ~~[and]~~ shall be [reviewed annually and] tested at least ~~[quarterly]~~ [annually]; and

(b) Such resources, training and procedures as are necessary for the prompt execution and implementation of the Emergency Response and Contingency Plans and any Emergency Orders issued by the Authority including on-vessel presence for rapid emergency response.

2. The ~~[Secretary General]~~ ~~[Authority]~~ shall facilitate the exchange of knowledge, information and experience relating to Incidents between Contractors and States, and shall draw on the advice of other relevant international organizations for the purposes of supporting; ~~so that such knowledge and information can be used to prevent, reduce and control pollution and other hazards to the Marine Environment, [including the coastline], by [supporting];~~

(a) Contractors to meet their requirements, inter alia under Regulation 53(1); and

(b) the Authority in the development, revision and dissemination of to prepare and revise applicable relevant Standards and Guidelines and ~~to develop and disseminate~~ other appropriate materials.

3. Following an Incident, a Contractor ~~must~~ shall submit a detailed report to the Secretary-General on whether the Emergency Response and Contingency Plan was adequate and to what extent it was complied with, including, among other aspects, expenses incurred, responsibilities and updating of the plan if necessary.

Formattato: Intestazione, Rientro: Sinistro: -0.2 cm

Formattato: Intestazione, Allineato al centro

Formattato: Intestazione, Allineato a destra, Destro -0.2 cm

Tabella formattata

Formattato: Intestazione

Formattato: Intestazione, Rientro: Sinistro: -0.2 cm

Formattato: Intestazione, Allineato al centro

Formattato: Intestazione, Allineato a destra, Destro -0.2 cm

Tabella formattata

Formattato: Piè di pagina

[4. The Secretary-General shall conduct a consultation on each report submitted pursuant to paragraph \(3\) in accordance with Regulation 93bis](#)

[5. The Compliance Committee shall review each report submitted pursuant to paragraph \(2\) together with any comments received under paragraph \(4\), and shall take any necessary actions consistent with regulation 102 and 103.](#)

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

We have no objection to this provision in principle but wonder about the placement here in Part IV of the Regulations (on ‘Protection and Preservation of the Marine Environment’) given that an emergency covered by this Plan may not be one relating to harm to the environment – it could very well be a human safety or maritime security emergency, or a situation that presents hazards to other marine users, coastal State etc. We consider it important that all such eventualities are appropriately covered and regulated. Accordingly, we have proposed edits to the regulation to broaden the scope by removing specific references to the Marine Environment.

The drafting of the chapeau of paragraph (1) has become confused. DR7 already includes the obligation to submit an Emergency Response and Contingency Plan prepared in accordance with Annex V as part of the application for a Plan of Work. So we propose for clarity that paragraph (1)’s chapeau should simply read ‘*A Contractor shall maintain...*’, and then continue into the sub-paragraphs.

As an editorial point, we query whether mention of GIP, BAT, and BEP could be deleted as DR18bis already requires Contractors to carry out activities under its Plan of Work in accordance with these principles. Similarly, reference to Standards and Guidelines here may be unnecessary.

As mentioned by Germany during the July 2024 Council meeting, the process in paragraph 3 seems to end rather abruptly with the Contractor’s report of an Incident ‘submitted’(with the Regulations silent on to whom it is submitted). We recommend that more detail on how the Authority manages the report be provided, and propose some textual additions (new paragraphs (4) and (5), accordingly).

Formattato: Intestazione, Rientro: Sinistro: -0.2 cm

Formattato: Intestazione, Allineato al centro

Formattato: Intestazione, Allineato a destra, Destro -0.2 cm

Tabella formattata

Formattato: Intestazione

ha formattato: Tipo di carattere: (Predefinito) Times New Roman, 10 pt, Colore carattere: Testo 1

Formattato: Intestazione, Rientro: Sinistro: -0.2 cm

Formattato: Intestazione, Allineato al centro

Formattato: Intestazione, Allineato a destra, Destro -0.2 cm

Tabella formattata

Formattato: Piè di pagina