

THE PEW CHARITABLE TRUST'S COMMENTARY

***ON THE REVISED CONSOLIDATED TEXT: DRAFT REGULATIONS ON  
EXPLOITATION OF MINERAL RESOURCES IN THE AREA,  
DATED 29 NOVEMBER 2024 (ISBA/30/C/CRP.1)***

Key

**Black font, red font, and grey text-boxes** are replicated from the Draft Regulations text.

**Blue font** represents commentary or edits proposed by The Pew Charitable Trusts.

**Annex V**

**Emergency Response and Contingency Plan**

An Emergency Response and Contingency Plan must:

- (a) Be prepared in accordance with Good Industry Practice and the ~~applicable~~**relevant** Regulations, Standards and **taking into consideration the** 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 and, where applicable, emergency response organizations; and
- (c) Include:
  - (i) The overall aims and objectives and arrangements for controlling the risk of Incidents;
  - (ii) Organizational structure and personnel roles and responsibilities;
  - (iii) Details of individuals authorized to initiate response mechanism(s);
  - (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 all foreseeable Incidents, an assessment of their likelihood and consequences and associated control measures;
  - (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) 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) 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 of response;
- (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;
- [(xvii) A description of accountability and liability for environmental damage resulting from an Incident; and
- (xix) Details of how the Plan is [gender-responsive and responsive to persons from vulnerable groups].

Generally the content of this Annex V seems good. But we would find it helpful to see outlined (whether in this Annex, in the Regulations or in a Standard or Guideline) how this Plan aligns with the requirements of the UN Convention on the Safety of Life at Sea (SOLAS), and how the ISA is navigating here between its regulation of deep seabed mineral activities vs. the flag state regulation of maritime activity.