

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 VI

Health and Safety Plan and Maritime Security Plan

A

Health and Safety Plan

1. The Health and Safety Plan prepared under these Regulations and this Annex must:

(a) Be prepared in accordance with Good Industry Practice, and ~~[relevant]~~ applicable ~~S~~standards and taking into consideration ~~G~~guidelines;

(b) Comply with applicable national laws and regulations related to safety and health, including occupational safety and health, of personnel on vessels or Installations engaged in activities in the Area, as well as applicable international rules and standards of the International Labour Organization and the International Maritime Organization related to safety and health, including occupational safety and health;

~~[(c) bis Take into account that no worker or trainee on board a vessel or Installation engaged in the activities in the Area should be under the legal age of its nationality;]~~

(c) Be designed with the aim to ensure that all personnel on a vessel or Installation engaged in activities in the Area are provided with appropriate safety and health protection, including occupational safety and health protection, and live, work and train in a safe and hygienic environment with roles and responsibilities allocated to relevant named personnel appropriately;

(d) Identify hazards and risks and include a comprehensive and integrated system for the management of the hazards and risks;

(e) Ensure that the risks to the health and safety of personnel on a vessel or Installation engaged in activities in the Area are reduced to a level that is as low as reasonably practicable;

(f) Address all matters of safety of life and the prevention of occupational accidents, injuries and diseases that may be identified as hazards and risks for personnel on vessels or Installations engaged in activities in the Area;

(g) Include and refer to the requirements of the Emergency Response and Contingency Plan under Annex V of these Regulations that relate to protecting and securing the safety and health of all persons on vessels or Installations during an Incident or emergency; and

(h) ~~Be worded in plain language.~~

(h) [Be gender-sensitive, and specifically address women's safety, and freedom from harassment in the workplace, and consider other issues relevant to ensuring an equitable and inclusive working environment for a diverse workforce].

2. The minimum requirements to the content of the health and safety plan is contained in the Standard and Guidelines on health and safety plans.

B

Maritime Security Plan

1. The Maritime Security Plan prepared under these Regulations and this Annex must:

(a) Be prepared in accordance with Good Industry Practice and ~~applicable~~relevant Standards and ~~taking into consideration~~ Guidelines;

(b) Comply with applicable national laws and regulations related to maritime security, as well as applicable international rules and standards of the International Maritime Organization related to maritime security;

(c) Be developed based on a security assessment and risk analysis relating to all aspects of the vessel's or Installation's operations in order to determine which of its parts a

(d) more vulnerable to maritime security Incidents;

(e) Provide an effective plan to ensure the application of measures on board the vessel that are designed to protect the persons on board, the ancillary equipment, the cargo, the cargo transport units, the ship's stores, ~~or~~ the vessel and the operation itself from the risks of a security Incident;

(f) Be protected from unauthorized access or disclosure;

(g) Be subject to inspection by officers duly appointed by Inspectors appointed by the Authority under Part XI of these Regulations;

(h) ~~Be worded in plain language;~~

[(h) Be gender-sensitive, and specifically address women's security, and any other issues relevant to ensuring maritime safety measures are applied equitably and inclusively for a diverse workforce.]

2. The minimum requirements to the content of the maritime security plan is contained in the Standard and Guidelines on maritime security plans.

As far as we are aware, no rationale has been offered as to why these two separate plans are dealt with in one Annex. Another option would be to separate them into two different Annexes, to clarify that they are two distinct and separate requirements for Contractors.

Also, we note that the minimum content requirements of both the health and safety and maritime security plans have been placed in the suspense document (though not retained in strike-through text in the body of this Revised Consolidated Text). We believe it would be helpful for there to be a comment here noting as such, to facilitate the Council's discussion regarding content of the plans, and placement of the text.

As a general comments:

- It would be useful for this Annex VI to be accompanied by Standards or Guidelines from the ISA to assist Contractors understand what laws and rules are considered 'applicable'. Particularly where the Contractor is a private sector entity, so not directly bound by international treaties of the ILO or IMO; and where there may be overlapping or conflicting national legal regimes on relevant issues between the vessel flag state, and the ISA sponsoring State.

- We are unsure how these Plans inter-relate or rely upon the Contractor's safety management system, required and elsewhere in the regulations. Some cross-reference or explanation as to how the different requirements interrelate may assist interpretation and implementation
- We support retention of both paragraphs (h). A safe working place for all should be an important aspect throughout the plan. For more on this subject, see Amon et al 2022: [Safe working environments are key to improving inclusion in open-ocean, deep-ocean, and high-seas science - ScienceDirect](#) .