

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.

## Appendix I

### Notifiable events

In respect of an Installation or vessel engaged in activities in the Area, notifiable events for the purposes of Regulation 34 include any of the following events, except for where it constitutes an Incident for the purposes of these Regulations:

1. Occupational lost time illness.
2. Occupational lost time injury.
3. Marine Mammal Fatality.
4. Significant leak of hazardous substance [as determined in accordance with the applicable Standard and taking into consideration the applicable Guideline].
5. Unauthorized Mining Discharge.
6. Adverse environmental conditions ~~[with likely]~~ [that cause or likely to cause] significant safety ~~and~~ or environmental consequences.
7. Significant threat or breach of security, [including cyber security].
8. Impairment ~~or~~ damage to safety or environmentally critical equipment. [where such impairment or damage prevents compliance with the Regulations].
9. Contact with fishing gear resulting in its damage.
10. ~~[Suspected]~~ Contact with submarine pipelines or cables resulting in its damage [or an event that is likely to such damage].
11. Contact with equipment related to marine scientific research resulting in its damage.

According to the draft Regulations, Notifiable Events are occurrences that must be reported to the ISA, but do not require specific management action. This is distinct from 'Incidents' that trigger a more robust process of notification to potentially affected States, invocation of pre-agreed Contractor response measures, and emergency instruction powers for the ISA. **Overlap or inaccurate distinctions between the definitions of 'Notifiable Event' and 'Incident'** are not helpful for the purposes of the Regulations and may confuse emergency response procedures. We see in Appendix I items that (a) may be of sufficient severity to warrant the more urgent and stringent Incident response or (b) overlap with the definition of an Incident e.g. '4. Significant leak of hazardous substance', '5. Unauthorized Mining Discharge', '7. Significant threat or breach of security', '9 / 10 / 11 Contact with fishing gear / submarine pipelines or cables / equipment related to marine scientific research resulting in its damage'.

We also can think of **events that we believe should trigger a specific management response, but are not covered by the current 'Notifiable Event' list** (or the current definition of 'Incident') e.g. when a Contractor reaches, say,

85% of any environmental thresholds established in Standards (so it is not in breach, but is approaching a specified limit) – this may be a good issue for the ISA to require reporting upon as Notifiable Event. Loss of equipment used for the performance of the Plan of Work (e.g. cabling, pipes, monitoring tools, remotely operated vehicles) is another potential gap we perceive as not currently covered by either this Notifiable Event list, nor the Incident definition in the Schedule.