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Agenda item 12

Draft regulations for exploitation of mineral resources in the Area

Draft regulation 30 and draft annex VI to the draft regulations for exploitation of mineral resources in the Area

Note by the secretariat

1. In the draft regulations on exploitation of mineral resources in the Area (ISBA/25/C/WP.1), the protection of human life and safety as a fundamental principle is recognized (draft regulation 2 (d)). An application for the approval of a plan of work for exploitation must include a health and safety plan and a maritime security plan prepared in accordance with annex VI to the regulations (draft regulation 7 (3) (f)). The Legal and Technical Commission of the International Seabed Authority must determine if such plan of work provides for the effective protection of human health and safety of individuals engaged in exploitation activities (draft regulation 13 (4) (c)). In addition, draft regulation 30 imposes certain related obligations on contractors engaged in exploitation activities in the Area, including ensuring compliance with the applicable 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 and the treatment of crew members, as well as any rules, regulations and procedures and standards adopted from time to time by the Council relating to those matters (draft regulation 30 (2)).

2. At the twenty-fifth session of the Authority, the Commission noted that annex VI to the draft regulations was yet to be completed, and requested that the secretariat present a draft health and safety plan and a draft maritime security plan for consideration by the Commission at its following session with a view to making recommendations to the Council on that issue.

3. With regard to regulation 30 of the draft regulations, the Commission expressed the view that it would be beneficial for the secretariat to explore matters relating to the occupational health and safety rules in effect and competencies required on board vessels and installations for non-seafarers engaged in activities in the Area with the International Labour Organization (ILO), including the applicability of the Maritime Labour Convention, 2006.



4. With a view to responding to those requests, the secretariat prepared a scoping study on the interface of the competencies of the Authority and ILO and the application of international labour instruments to activities in the Area in the context of article 146 of the United Nations Convention on the Law of the Sea. It also prepared a draft of annex VI for consideration by the Commission at the twenty-sixth session of the Authority.
5. During the first part of the twenty-sixth session, the Commission, on the basis of the scoping study and the report on the competencies of the Authority and the International Maritime Organization (IMO) in the context of activities in the Area (see [ISBA/25/C/19/Add.1](#), paras. 23–26), previously made available, agreed that the approach reflected in the current draft regulation 30, i.e., of referring to the applicable international rules and standards established by competent international organizations or general diplomatic conferences, was sufficient for the foreseeable future.
6. The Commission also decided to recommend to the Council that it draw the attention of the Assembly to the need to encourage member States that have not yet done so, in particular sponsoring States, to become parties to the applicable international rules and standards established by competent international organizations, in particular the Maritime Labour Convention, 2006.
7. The Commission further proposed that the secretariat enter into discussions with ILO with a view to concluding a cooperation agreement between the Authority and the ILO to keep emerging issues concerning occupational health and safety for personnel involved in exploitation in the Area under review.
8. The Commission further decided to recommend to the Council the draft annex VI to the draft exploitation regulations, annexed to the present document.
9. The Council is invited to:
 - (a) Take note of the information concerning draft regulation 30 contained in paragraph 5 above;
 - (b) Consider the recommendations of the Commission set out in paragraphs 6 and 7 above;
 - (c) Consider the annex to the present note as part of the draft regulations on exploitation of mineral resources in the Area ([ISBA/25/C/WP.1](#)).

Annex

Draft annex VI to the draft regulations for exploitation of mineral resources in the Area

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 standards and 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) Ensure that all personnel on a vessel or installation engaged in activities in the Area are provided with safety and health protection, including occupational safety and health protection, and live, work and train in a safe and hygienic environment;
- (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;
- (h) Be worded in plain language and, for submission as part of the application for approval of a plan of work, prepared in an official language of the Authority.

2. The Health and Safety Plan must contain, as a minimum:

- (a) Requirements regarding minimum age and medical fitness for all personnel working and living on a vessel or installation;
- (b) Requirements for the competency and training, including mandatory safety training, for all personnel working and living on a vessel or installation;
- (c) A description of the measures taken to ensure that the vessel or installation is appropriately and sufficiently manned in order to ensure that the vessel or installation is operated safely, efficiently and with due regard to security under all conditions;
- (d) Information about the number and positions of all personnel working or living and working on a vessel or installation;
- (e) Details of shore-based management providing assistance to the vessel or installation, including the designated person with responsibility and authority for

monitoring the safety, health and security of operations and with direct access to the highest level of management;

(f) Definitions of levels of authority and effective lines of communication between and among shore staff and personnel on board vessels and installations;

(g) A description of the duties of the master and/or the person designated by the master to take responsibility for the implementation of and compliance with the occupational safety and health plan;

(h) A description of an effective fatigue management strategy determining operational workload requirements matching onboard manning levels and onshore support resources as well as work schedules indicating the maximum hours of work or minimum hours of rest for all personnel living and working on a vessel or installation;

(i) Information about the medical care available on the vessel or installation and the communication and response plans in the event that additional or onshore medical care is required;

(j) Arrangements and procedures for the safe transfer of personnel to and from or between vessels or installations;

(k) A description of all foreseeable occupational hazards, an assessment of their likelihood and consequences, and associated preventative and control measures;

(l) Details regarding procedures for hazard identification and risk assessment on vessels or installations and the preventive and protective measures adopted based on the outcomes of those procedures;

(m) Details of procedures, plans and instructions for key operations concerning the safety of the personnel, vessels and installations;

(n) A description of the equipment and tools to be provided to ensure that all operations are conducted in such a manner as to minimize any adverse effects on workers' occupational safety and health to the extent necessary;

(o) Identification of critical equipment and technical systems that may result in hazardous situations;

(p) A description of crew accommodations and recreational facilities enabling and promoting the personnel's health and well-being, and information on their conformity to relevant rules, regulations and standards;

(q) Details of procedures to ensure that the vessels or installations are maintained in conformity with the provisions of the relevant rules and regulations and with any additional requirements that may be established;

(r) Details of audit and review processes, and information on procedures for the implementation of corrective action, including measures intended to prevent recurrence;

(s) Information on procedures ensuring that non-conformities, accidents and hazardous situations are reported, investigated and analysed with the objective of improving safety and prevention;

(t) Details of the procedures for the communication of information between the company/owner/operator and competent authorities and organizations, including the Authority;

(u) Details of the warning mechanisms intended to alert the Authority, together with the type of information to be contained in the warning;

(v) Details regarding consultations with personnel on vessels or installations and, where appropriate, the representative workers' organizations, on the preparation and implementation of the vessel's or installation's occupational safety and health policies and programmes and the procedures to ensure the continuous improvement of the policies to take into account changes in practice and technology;

(w) The occupational safety and health policy and programme for each vessel or installation engaged in activities in the Area.

3. An occupational safety and health policy and programme for a vessel or installation engaged in activities in the Area must contain the following to ensure a safety culture on board the vessel or installation:

(a) An occupational health, safety and environmental awareness plan to inform all personnel engaged in activities in the Area as to the occupational and environmental risks that may result from their work and the manner in which such risks are to be dealt with;

(b) A plan for the communication of the occupational health, safety and environmental awareness plan;

(c) A training plan to establish a safety culture for occupational safety and health for the vessel or installation, including mandatory personal safety training and specific task and equipment training, including the labelling of safety-related equipment;

(d) The roles and responsibilities of:

(i) Masters, officers or other personnel responsible for safety and health, including occupational safety and health on a vessel or installation;

(ii) The vessel or installation safety committee;

(iii) The worker representative on the safety committee.

(e) Requirements, policies and training on the vessel or installation to address the following:

(i) Food and water safety;

(ii) Hygiene and sanitary facilities;

(iii) Measures to prevent disease and vermin;

(iv) Safety, and structural and design features of the vessel or installation, including means of access and asbestos-related risks;

(v) Provision of personal protective equipment for personnel;

(vi) Machinery;

(vii) Ambient factors in the workplace and living accommodation on the vessel or installation, including exposure to noise, vibration, lighting, ultraviolet light, non-ionizing radiation and extreme temperatures;

(viii) Air quality, ventilation and the effects of other ambient factors, including tobacco smoke;

(ix) Structural features of the vessels or installations and means of access, and materials;

(x) Special safety measures on and below deck on vessels and installations;

(xi) Loading and unloading of equipment;

(xii) Fire prevention and fire-fighting;

- (xiii) Anchors, chains and lines;
 - (xiv) Dangerous cargo and ballast;
 - (xv) Work in enclosed spaces;
 - (xvi) Exposure to biological hazards;
 - (xvii) Exposure to radiological hazards;
 - (xviii) Exposure to chemicals;
 - (xix) Ergonomic hazards;
 - (xx) Physical and mental effects of fatigue;
 - (xxi) Effects of drug and alcohol dependency;
 - (xxii) Communicable diseases;
 - (xxiii) HIV/AIDS protection and prevention;
 - (xxiv) Emergency and accident response;
 - (xxv) Harassment and bullying;
 - (xxvi) Safety and occupational safety and health training of younger workers and trainees on the vessel or installation;
 - (xxvii) Protection for lone and isolated workers;
 - (xxviii) Protection of women workers;
 - (xxix) Measures regarding the safety, and occupational safety and health, of any temporary workers.
4. The occupational safety and health policy and programme must also address:
- (a) Cyberrisks;
 - (b) Procedures for the investigation, reporting and follow-up to any safety or occupational safety and health incidents, including occupational diseases;
 - (c) Protection of the privacy of personal and medical data of personnel.

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 relevant standards and 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 are more vulnerable to maritime security incidents;
 - (d) Provide an effective plan to ensure the application of measures on board the vessel that are designed to protect the persons on board, the cargo, the cargo transport units, the ship's stores or the vessel from the risks of a security incident;
 - (e) Be protected from unauthorized access or disclosure;

(f) Be subject to inspection by officers duly appointed by the competent authority;

(g) Be worded in plain language and, for submission as part of an application for approval of a plan of work, prepared in an official language of the Authority.

2. The Maritime Security Plan must contain, as a minimum:

(a) Measures designed to prevent weapons, dangerous substances and devices that are intended for use against persons, vessels, installations or ports, and whose carriage is not authorized, from being taken on board the vessel or installation;

(b) An identification of the restricted areas, and measures for the prevention of unauthorized access to them;

(c) Measures for the prevention of unauthorized access to the vessel or installation;

(d) Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the vessel or installation, or vessel/port interface;

(e) Basic security measures for security level 1 (the level for which minimum appropriate protective security measures shall be maintained at all times), both operational and physical, that will always be in place;

(f) Additional security measures that will allow the vessel or installation to progress without delay to security level 2 (the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident) and, when necessary, to security level 3 (the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target);

(g) Procedures for evacuation in case of security threats or breaches of security;

(h) Duties of personnel on board vessels and installations who are assigned security responsibilities, and duties of other shipboard personnel relating to security aspects;

(i) Procedures for auditing the security activities;

(j) Procedures for training, drills and exercises associated with the plan;

(k) Procedures for interfacing with port facility security activities;

(l) Procedures for the periodic review of the plan and for its updating;

(m) Procedures for reporting security incidents;

(n) Identification of the vessel or installation security officer;

(o) Identification of the company security officer, including 24-hour contact details;

(p) Procedures to ensure the inspection, testing, calibration, and maintenance of any security equipment provided on board;

(q) Frequency of testing or calibration of any security equipment provided on board;

(r) Identification of the locations where the activation points of the vessel or installation security alert system are provided (when activated, a ship security alert system automatically transmits a ship-to-shore security alert to a competent authority,

identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised);

(s) Procedures, instructions and guidance regarding the use of the vessel or installation security alert system, including testing, activation, deactivation and resetting, and regarding the limitation of false alerts.

3. The Maritime Security Plan must establish that:

(a) All personnel on board vessels and installations have received security-related familiarization and security-awareness training or instruction;

(b) Personnel on board vessels and installations with designated security duties have attended a training course on those duties.
