

Joint submission of the French delegation and the International Cable Protection Committee

Draft regulation 33A

Reasonable Regard for Submarine Cables

1. Prior to submitting any proposed Plan of Work to the Commission, a Contractor shall exercise due diligence to identify in-service and planned submarine cables transiting or proximate to the area under application by using publicly-available data and resources. Contractors shall coordinate directly with operators of such submarine cables using the best available tools, in order to reduce the risk of damage to any submarine cable.
2. To be deemed complete for purposes of regulation 10, any proposed Plan of Work submitted by a Contractor to the Commission shall identify any in-service or planned submarine cables transiting or proximate to the area under application, summarize efforts to coordinate with submarine cable operators using the best available tools, and describe any measures agreed to mitigate the risk of damage to any in-service or planned submarine cable.
3. The Commission shall decline to recommend Council approval for a Plan of Work that fails to demonstrate that the Contractor has exercised due diligence to identify in-service and planned submarine cables that transit or are proximate to a Contract Area and has coordinated with operators of such submarine cables to mitigate the risk of damage to any in-service or planned submarine cable transiting or proximate to a proposed Contract Area.
4. In reviewing any proposed Plan of Work, the Commission shall consider the effects of that Plan of Work, in aggregate with other Plans of Work, on the ability of a submarine cable operator to route a new submarine cable through significant portions of the Area, without significant re-routing.
5. For future submarine cables that may be planned to transit through or proximate to an area covered by a Plan of Work previously approved by the Authority, the Contractor shall coordinate directly with operators of such submarine cables using the best available tools in order to reduce the risk of disruption to exploitation activities authorized by the Plan of Work and damage to any submarine cable.