

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 28TH SESSION:
COUNCIL - PART I**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

- 1. Name of Working Group:** President's Text

- 2. Name(s) of Delegation(s) making the proposal:** Australia

- 3. Please indicate the relevant provision to which the textual proposal refers.**

Regulation 31.1 - proposed amendments are in **green** text

- 4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

**Regulation 31
Reasonable regard for other activities **and infrastructure** in the Marine Environment**

1. Contractors shall, [consistent with] [taking into account] [~~any~~] [~~the~~] relevant Guidelines, carry out exploitation under an exploitation contract with reasonable regard for other activities **and infrastructure** in the Marine Environment, [including but not limited to submarine cables and pipelines in the Contract Area, fishing activities and other activities], in accordance with articles 87 and 147 of the Convention and the approved Environmental Management and Monitoring Plan, [Regional Environmental Management Plan] and Closure Plan [and any applicable international rules and standards established by competent international organizations].

...

1 **alt bis.** [Each Contractor shall exercise due diligence to ensure that it does not cause damage to submarine cables or pipelines in the Contract Area. In particular, the Contractor shall]:

(a) [comply with the measures [identified in the approved Plan of Work] it agreed with the operators of the submarine cables and pipelines to reduce the risk of damage to any in-service cables and pipelines ~~[(such as an easement, or a mining exclusion zone within a reasonable radius)]~~]; and

(b) [ensure that any actions it takes will not interfere with the route of a planned submarine cable or pipeline].

5. Please indicate the rationale for the proposal. [150-word limit]

Australia is strongly supportive of Regulation 31.

Australia considers that the title of Regulation 31 and paragraph 1 need to be amended to account for reasonable regard for 'infrastructure' in the marine environment, noting that submarine cables and pipelines do not constitute an 'activity'.

Australia has a strong preference for the inclusion of 1 alt bis. With respect to subparagraph (a) of 1 alt bis, Australia was the proponent of the suggested language included in brackets referring to an easement or a mining exclusion zone. After considering this further and consulting with other delegations, we withdraw this text, and remain open to suggestions from other delegations on alternative text.

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1. **Name of Working Group:** President's Text

2. **Name(s) of Delegation(s) making the proposal:** Australia

3. **Please indicate the relevant provision to which the textual proposal refers.**

Regulation 31.2 - proposed amendments are in green text

4. **Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

Regulation 31

~~2. — The Authority, in conjunction with member States, shall [endeavour to coordinate, including with other global, regional and sectoral bodies] [take measures] [in an effort] [] [underscores that Article 147 of the Convention further provides] that other activities in the Marine Environment shall be conducted with reasonable regard for the activities of Contractors in the Area [which includes but not limited to the Authority's facilitation of the coordination between two parties at early stages. For this reason, the Authority shall promote, inter alia, effective and facilitate early stage consultations coordination between the Contractors and the proponents of the other activities in the marine environment Area].~~

Alt. To further the due and reasonable regard obligations in Articles 87 and 147 in the Convention, the Authority, in conjunction with member States, shall facilitate early-stage coordination between the Contractors and the proponents of the other activities in the marine environment}.

5. **Please indicate the rationale for the proposal. [150-word limit]**

Australia strongly supports Regulation 31.2 Alt.

We consider that the framing of Regulation 31.2 suggests that the Authority has jurisdiction with respect to other activities in the marine environment, when its jurisdiction is limited to activities in the Area. On the other hand, Regulation 31.2 Alt addresses this by referring to the Authority *facilitating* early-stage engagement.

Further, we support the reference to Articles 87 and 147 in Regulation 31.2 Alt as we consider that ensuring early coordination will give effect to both the due regard and reasonable regard obligations in these provisions.