

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

Informal Working Group - Environment

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete.

1. Name(s) of Delegation(s) making the proposal:

Federal Republic of Germany

2. Please indicate the relevant provision to which the textual proposal refers.

Draft Regulation 31

3. 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 in the Marine Environment

2. Contractors shall, [consistent with] [taking into account] [any] [the] relevant Guidelines, carry out exploitation under an exploitation contract with reasonable regard for other activities in the Marine Environment, [including but not limited to submarine cables and pipelines in the Contract Area, activities related to marine genetic resources, fishing activities and other activities], in accordance with articles 87 and 147 of the Convention, the applicable Regional Environmental Management Plan 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].

Alt. 1. In particular, each Contractor shall exercise due diligence [reasonable regard] to ensure that it does not cause damage to submarine cables or pipelines in the Contract Area. [or structure deriving from other marine uses] [should carry out Exploitation activities with reasonable regard to submarine cables or pipelines so as to avoid destroying or damaging them].

Alt. 2. [In particular, each Contractor should carry out Exploitation activities with reasonable regard to submarine cables or pipelines so as to avoid destroying or damaging them.] [or structures deriving from other marine uses]

Alt. 3. [Contractors shall, consistent with the relevant Guidelines, carry out Exploitation under an exploitation contract with reasonable regard for other activities

in the Marine Environment in accordance with article 147 of the Convention and the approved Environmental Management and Monitoring Plan and Closure Plan and any applicable international rules and standards established by competent international organizations, and relevant national laws and regulations of Sponsoring States and flag States.]

- 2 **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].
- 2 **alt ter.** [Contractors shall carry out Exploitation under an exploitation contract with reasonable regard for climate mitigation carried out by ecosystem in the area, such as carbon burial and sequestration and nutrients recycling].

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] [~~to ensure~~] [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 earlystage coordination between the Contractors and the proponents of the other activities in the marine environment].

Alt 2. The Authority, in conjunction with member States, shall cooperate with other global, regional and sectoral bodies in order to coordinate activities in the Marine Environment.

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

Re Para 2 we suggest a new Alt 2 in order to establish cooperation between competent bodies to facilitate due regard being paid to all activities.