

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29TH SESSION:
COUNCIL - PART II**

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(s) of Delegation(s) making the proposal:

China

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

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

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.

***Note: China’s amendments are in Blue**

Regulation 31 ~~Reasonable regard for other activities and infrastructure in the Marine Environment~~ Accommodation of activities in the Area and in the marine environment

Add paragraph 3: 3. Other activities in the marine environment shall be conducted with reasonable regard for activities in the Area.

1.bis Each Contractor shall ~~exercise due diligence to ensure that it does not cause damage to~~ carry out exploitation activities under an Exploitation Contract with reasonable regard to known submarine cables or pipelines or interfere with other activities in the Contract Area or surrounding Marine Environment.

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

Article 147 of the Convention requires contractors to have “reasonable regard” for other users of the marine environment (Article 147(1)), and also requires other users of the marine environment to have “reasonable regard” for exploration and exploitation activities in the Area (Article 147 (3)), emphasizing the principle of reciprocity and achieving mutual regard between contractors and other users of the marine environment. However, the title and content of this regulation do not mention the latter, resulting in a lack of reciprocity of rights and obligations. The title should be revised and the content should be added to this regulation.

In paragraph 1 bis, the development of the Convention by the Exploitation Regulations should be within a reasonable scope and should not conflict with the underlying spirit of the Convention and the fundamental competence of the ISA. The fundamental function of the ISA is to manage and control exploration and exploitation activities in the Area, not to regulate and protect submarine cables. Due diligence to ensure is essentially different from “reasonable regard” in Article 147 of the Convention. The requirement of regulation 31 (1) bis of the Exploitation Regulations for the contractor to exercise due diligence to ensure that submarine cables are not damaged has seriously exceeded this function and should be replaced with “reasonable regard” stipulated in the Convention.