

THE PEW CHARITABLE TRUST'S COMMENTARY

***ON THE REVISED CONSOLIDATED TEXT: DRAFT REGULATIONS ON
EXPLOITATION OF MINERAL RESOURCES IN THE AREA,
DATED 29 NOVEMBER 2024 (ISBA/30/C/CRP.1)***

Key

Black font, red font, and grey text-boxes are replicated from the Draft Regulations text.

Blue font represents commentary or edits proposed by The Pew Charitable Trusts.

Section 4

Other activities in the Marine Environment

Regulation 31

Reasonable **R**egard for other activities ~~[and infrastructure]~~ in the Marine Environment

1. Contractors shall, consistent with any applicable Standards and taking into consideration the Guidelines, carry out ~~[[Exploration and] exploitation]~~ [activities] under an Exploitation Contract with reasonable regard for other activities ~~[and infrastructure]~~ in the Marine Environment, in accordance with Articles ~~s 87 and~~ 147 of the Convention, [the Plan of Work,] ~~and~~ the approved Environmental Management and Monitoring Plan, [Regional Environmental Management Plan] and Closure Plan]. ~~[taking into account the Regional Environmental Management Plan.] [and any applicable international rules and standards established by competent international organizations].~~

~~1. bis Each Contractor shall exercise due diligence to ensure that it does not cause damage to [known] submarine cables or pipelines or interfere with other activities in the Contract Area or surrounding Marine Environment. In particular, the Contractor shall:~~

~~(a) Comply with the measures it agreed with the operators undertaking other [activities in the Contract Area [or surrounding Marine Environment, including operators]] and of submarine cables and pipelines] to reduce the risk of damage to any in-service cables and pipelines;~~

~~(a) bis Identify current and planned uses or activities in the Marine Environment transiting, overlapping, or proximate to the Contract Area through publicly available data and resources and any other reasonable means, including but not limited to marine scientific research, submarine cables or pipelines, fishing, navigation, activities related to marine genetic resources, and environmental protection measures and area-based management tools established or proposed by competent international organizations;~~

~~(a) — ter Coordinate directly with the responsible organisations for, or operators of, these activities in the Marine Environment in order to reduce the risk of interference and damage to any structure or the Marine Environment; and~~

~~(b) — Ensure that any activities it conducts will not interfere with the route of a planned submarine cable or pipeline, recognized sea lanes essential to international navigation, or areas of intense fishing activity.~~

~~2. To further the due and reasonable regard obligations in Articles 87 and 147 of the Convention, the [Secretary General], in conjunction with member States, shall facilitate early stage coordination between the Contractors and the proponents of the other known~~

~~activities in the marine environment, including through the identification of other marine users in the relevant Regional Environmental Management Plan, which shall be periodically updated. Where the relevant other activities involve competent international, regional, or sectoral bodies, the Authority shall, in conjunction with member States, cooperate with such bodies to coordinate activities in the Marine Environment.~~