

Discussion Questions for Intersessional Meeting, 26 May 2026

In discussing these questions, we would appreciate if colleagues could share where there are redlines, flexibilities, and key reservations, so that we can better work towards consensus.

DR 31

1. Does this merged proposal strike a suitable balance between the role of the Contractor and the role of the ISA in identifying or acquiring information about other uses or activities in the Marine Environment?
2. Do colleagues consider that there are any elements that are missing or require further elaboration?
3. Welcome any other specific comments on the draft.

DR 31 bis

1. Is DR 31 bis 1(a) duplicative of DR 31(2), and if so, should it be deleted? Is there a need to include a specific reference to “commercially available” data and resources?
2. Should the reference to “planned” uses and activities in paragraph 1(a) and paragraph 1(c) be retained? Do colleagues consider that the phrase “as appropriate” (in paragraph 1) sufficiently addresses potential difficulties in identifying planned uses and activities and agreeing with operators on measures to reduce the risks of damage to planned cables?
3. Should there be Guidelines to flesh out how a Contractor may agree with operators with measures to reduce the risks of damage to in-service and planned cables as proposed in paragraph 1(c)?

<If time allows>

4. Which of the proposed standards of protection in paragraph 1 is most preferred? Please indicate if there are any flexibilities in your positions.
5. Should paragraph 1(d) be retained? In answering this question, colleagues may wish to consider how this would work in practice (e.g. what sort of information to be shared and with whom?) and what its merits are. Please indicate if there are any flexibilities in your positions.
6. Welcome any other specific comments on the draft.

<The revised proposal for DR 31 is intentionally presented as a fresh text.>

Regulation 31

Accommodation of activities in the Area and in the marine environment

1. Contractors shall carry out activities under an Exploitation Contract with reasonable regard for other activities in the Marine Environment, in accordance with article 147 of the Convention, and consistent with any applicable Standards and taking into account the Guidelines.
2. A Contractor shall exercise due diligence in identifying 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, fishing, navigation, and activities to ensure effective Protection for the Marine Environment.
3. The Authority may cooperate with States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies to acquire information regarding current and planned uses or activities in the Marine Environment transiting, overlapping, or proximate to Contract Areas, in accordance with article 147 of the Convention.
4. Where the Authority becomes aware of current and planned uses or activities in the Marine Environment transiting, overlapping or proximate to Contract Areas, the Secretary-General shall make available to the States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies concerned the coordinates of and information about such activities.
5. The Secretary-General shall make available to Contractors that may be affected by other uses or activities in the Marine Environment any relevant information it has obtained from States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies, and shall facilitate communication between the Contractor and the States Parties, relevant Stakeholders, international, regional, subregional or sectoral bodies concerned.

Regulation 31 bis

Reducing risks of damage to submarine cables and pipelines

1. The Contractor shall take ~~[[all] necessary]~~ [reasonable] measures to reduce the risks of damage ~~{arising from its conduct of activities in the Contract Area~~ [, including any [test/pilot] mining undertaken pursuant to regulation 48 ter.] to submarine cables or pipelines, including, as appropriate, through:

(a) ~~[identifying current [and planned] uses or activities relating to submarine cables or pipelines in the Marine Environment transiting or proximate to the Contract Area through publicly or commercially available data and resources;]~~
~~coordinating with relevant Stakeholders and international, regional or sectoral bodies for, or operators of, submarine cables or pipelines in the Marine Environment [; including through conducting consultations in line with regulation 93 ter];~~

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~~(be) coordinating with relevant Stakeholders and international, regional, subregional or sectoral bodies for, or operators of, submarine cables or pipelines in the Marine Environment, including through conducting consultations in line with regulation 93 ter; [identifying current and planned uses or activities relating to submarine cables or pipelines in the Marine Environment transiting or proximate to the Contract Area through publicly or commercially available data and resources;]~~

(cb) reaching agreement with the operators of submarine cables or pipelines in the Contract Area [, taking into account the Guidelines,] on measures to reduce the risks of damage to any in-service [or planned] submarine cables and pipelines, and complying with those measures;

~~(e) [identifying current and planned uses or activities relating to submarine cables or pipelines in the Marine Environment transiting or proximate to the Contract Area through publicly or commercially available data and resources;]~~

(d) [promoting information sharing of Exploitation activities under an Exploitation Contract;] and

(e) other measures in accordance with the applicable Standards and taking into account the Guidelines.

2. Nothing in these Regulations shall affect the rights and obligations of States pertaining to submarine cables and pipelines under the Convention, including articles 87, 112 and 113 of the Convention.

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